



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

अंक: 54

शिमला, शनिवार, 16 दिसम्बर, 2006/25 अग्रहायण, 1928

संख्या : 37

विषय सूची		
भाग-1	वैधानिक नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि	1584—1607
भाग-2	वैधानिक नियमों को छोड़कर विभिन्न विभागों के प्रमुखों और जिता मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	1607
भाग-3	प्रशसनिक, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाईनान्सियल कमिशनर तथा कमिशनर-आफ-इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि	1607—1611 तथा 1628—1632
भाग-4	स्थानीय स्वायत्त शासन, म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाऊन एरिया तथा पंचायती राज विभाग	—
भाग-5	वैयक्तिक अधिसूचनाएं और विज्ञापन	1611—1617
भाग-6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	—
भाग-7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	—
—	अनुसूचक	—

16 दिसम्बर, 2006/25 अग्रहायण, 1928 को समाप्त होने वाले सप्ताह में निम्नलिखित क्रियावियाँ 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विवरण की संख्या	विभाग का नाम	विषय
संख्या ई० एक्स० एन०-एफ० (६)- 2/2006, दिनांक 24 नवम्बर, 2006.	आवकारी एवं कराधान विभाग	हिमाचल प्रदेश रीसेन्जर एण्ड गुड्स टैक्सेशन रुल्स, 1957 में और संशोधन करने वाले अधिसूचना का अंग्रेजी पाठ सहित प्रकाशन।
No. Ipt. F. (5) 2/2002, dated the 10th October, 2006.	Transport Department	Notification regarding the Reciprocal Agreement between the State of Himachal Pradesh and Rajasthan.

2739-अग्रहा/3006-16-12-2006—1,500.

(1583)

मूल्य : 2.50 रुपये।

भाग-1—वैधानिक नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएँ इत्यादि

हिमाचल प्रदेश सरकार

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 10th May, 2005

No. Shram (A) 7-1/2005.—In exercise of powers vested in him under section 17 (1) of the Industrial Disputes Act, 1947, the Governor, Himachal Pradesh is pleased to order the publication of awards announced by the Presiding Officer Labour Court, Dharamshala of the following cases in the Himachal Pradesh Rajpatra:—

Sl. No. & Case No.	Title of the case	Date of Award
1	2	3
28. Ref. No. 101/01 R.B.T. No. 196/04.	Ramji Dass Vs. Conservator of Forest, Bilaspur.	26-12-05
29. Ref. No. 48/04.	Rakesh Kumar Vs. Secretary P W D Government of Himachal Pradesh Shimla 2.	26-12-05
30. Ref. No. 25/04 R.B.T. No. 212/04.	Rajender Kumar Vs. Secretary, P W D Govt. of Himachal Pradesh Shimla 2.	26-12-05
31. Ref. No. 110/02 R.B.T. No. 190/04.	Krishan Lal Vs. Secretary, P W D Government of Himachal Pradesh, Shimla-2.	26-12-05
32. Ref. No. 479/04	Subash Vs. Secretary, P W D Government of Himachal Pradesh Shimla 2.	26-12-05
33. Ref. No. 79/02 R. B. T. No. 197/04.	Shiv Ram Vs. Secretary, P W D Government of Himachal Pradesh, Shimla-2.	26-12-05
34. Ref. No. 32/2004 R. B. T. No. 207/04.	Sohan Lal Vs. Secretary, P W D Government of Himachal Pradesh Shimla-2.	26-12-05
35. Ref. No. 28/04 R. B. T. No. 208/04.	Fauzu Ram Vs. Secretary, P W D, Government of Himachal Pradesh, Shimla-2.	26-12-05
36. Ref. No. 26/04 R. B. T. No. 211/04.	Roshan Lal Vs. Secretary, P W D, Government of Himachal Pradesh, Shimla-2.	26-12-05

By order
Sd/-
Secretary.

Certified Copy 26-12-2005

In the Court of Shri Sureshwar Thakur, Presiding Judge, Labour Court-cum-Industrial Tribunal, Dharamshala, Himachal Pradesh

Reference No. 101/2001
R.B.T. No. 196/04
Instituted on 15-9-2004
Decided on 26-2-2005

Shri Ramji Dass s/o Shri Khauti Ram, Village Dhan Swai, P. O. Tanbol, Sub-Tehsil Sri Naina Dovi, District Bilaspur, Himachal Pradesh

Vs.

1. The Conservator of Forest, Bilaspur, Himachal Pradesh.

2. The Divisional Forest Officer, Forest Division, Bilaspur, District Bilaspur, Himachal Pradesh.
.. Respondents.

Reference under Section 10 of the Industrial Disputes Act, 1946.

For the petitioner Shri S. S. Sippy, A. R.

For the respondent Shri Sita Ram (Rspd. No. 2)
Shri Kanshi Ram

AWARD

1. The subject matter of the reference has been received from the appropriate Government for adjudication by this Tribunal is couched in the here after extracted phraseology:—

"Whether the termination of services of Shri Ramji Dass Chand by (1) Conservative Forest Circle, Bilaspur, Himachal Pradesh, (2) Divisional Forest Officer, Bilaspur, Himachal Pradesh w. e. f. 1-4-1996 without following the provision of section (f) 25 (N) of Industrial Act, 1947 and retaining juniors in services by not giving the principle of "FIRST COME LAST GO" is legal and justified? If not, to what relief of service benefits and amount of compensation the above workman is entitled to?"

2. In pursuance to the reference as extracted hereinabove having come to be received by this Tribunal, the petitioner instituted a claim petition with the averment that he had been appointed as daily rated Beldar in Baner Nursery, Forest Range Swarghat on 1-1-1982 and continued to work as such upto 31-3-1996 regularly. But the employer terminated his services on 1-4-1996 without any charge-sheet, notice and reason. He has also averred in the claim petition that the employer, after his termination engaged on the work S/Shri Parma Nand, Atma Ram, Amar Singh, Jamal Din, Roshan Lal, Rinku Ram, Joginder Singh, Sher Singh, Achhar Singh and Tilla Ram etc. He has also averred in the claim petition that his services were continued one as defined under section 25-B of the Industrial Disputes Act, 1947. It is further averred that he had put in more than 240 days of continuous services in each completed year of service preceding the date of his termination viz. 1-4-1996 and that there was no change against his work and conducted during the tenure of his entire service. He has further averred in the claim petition that no charge-sheet, inquiry, show cause notice and public notice was served upon him before effecting the termination. He has not served with a one month notice or notice-pay before effecting termination which renders his termination illegal, void and bad in law as required under section 25-F (a) of the Industrial Disputes Act, 1947. It is further averred that the action of the management in terminating his services is an unfair labour practice. It is further averred in the petition that in his place one Shri Parma Nand has been employed ignoring his right of employment to continue in service and that his termination from service is illegal, void and bad in law and is thus entitled to reinstatement with full back wages.

3. That the claim petition came to be resisted and contested by the respondent by filing a detailed reply in which it was contended that the petitioner has not completed 240 days in any calendar year and served in the department only as seasonal labourer. It is specifically denied that Shri Parma Nand has been employed ignoring the right of petitioner.

4. Rejoinder was filed by the petitioner to the reply of the respondents wherein the submission as made by the respondent in the reply are denied and the assertions made by the petitioner were re-asserted.

5. Reply to the replication was also filed wherein it has been averred that the reply already submitted

2005 is correct based on the record, hence the original record prior to 1990 has been vide D.F.O. Bilaspur office order no. 68/ dated 30-6-1994 and 131/1993-94 dated 1-1-93-94 10-1-93 as copy enclosed vide R-1. The original Rolls w. e. f. year 1990 onward in respect of ap- and seniority register maintained at Range level ought today for the perusal of Hon'ble Court. It is noted that the petitioner has not completed 240 any calendar year and served in the department as seasonal labourer. It is further averred that the statement of claim petition already submitted and based on record and is re-affirmed.

From the pleadings of the parties, this Tribunal has the following issues on issues on 19-7-2005 :

1. Whether the termination of the services of the petitioner by the respondents w. e. f. 1-4-1996 without complying the provisions of Industrial Dispute Act, 1947 is illegal and unjustified manner as alleged ? **OPP.**
 2. Issue No. 1 is proved in affirmative, to what service benefits, the petitioner is entitled to ? **OPP.**
 3. Whether the petitioner was engaged only as seasonal labourer, if so, its effect ? **OPR.**
 4. Whether the petitioner left the job at his own as alleged ? **OPR.**
 5. Relief.
 7. I have heard the Ld. Counsel for the parties and have gone through the record of the case carefully.
 8. For the reasons to be recorded hereinafter while discussing the issues for determination my findings on the aforesaid issues are as under :
- | | |
|-------------|---|
| Issue No. 1 | No |
| Issue No. 2 | No service benefit |
| Issue No. 3 | Yes |
| Issue No. 4 | Yes |
| Relief | The claim petition is dismissed as per operative part of the award and the reference is answered accordingly. |

REASONS FOR FINDINGS

Issues 1 to 4 :

All the issues are inter-linked, hence, taken-up together for determination.

10. In proof the factum as contended in the claim petition that in violation of the provision of the law as envisaged under section 25-G and 25-H of the Act, his services were retrenched the claimant has relied upon his examination in chief. During the course of his examination in chief, he tendered in evidence his affidavit bearing P-1. He came to be subjected to cross-examination and during the course of cross-examination.

11. He disclosed that he is unable to divulge the names of the juniors who have been continued to be retained by the respondents even after his dis-engagement by the respondents.

12. On a perusal of Ex. R-1 it is supportive of the content of the reply filed by the respondents wherein the claimant not

envisaged under section 25-H of the Act, whose contravention on the eventuality of the claimant fulfilling the requirement of qualifying service, to warrant their application and whose consequent non compliance to render the dis-engagement of the service of the claimant by the respondents to be illegal and void entitling him to re-instatement with all consequential service benefits. However, in the face of Ex. R-1 as tendered into evidence by RW 1 disclosing the number of days of service performed by the claimant with the respondents, it does, not vindicate the claim of the petitioner of his having rendered more than 240 days of continuous service with the respondents since the year 1991. The Ld. Authorised representative for the petitioner has been very vehement and forceful and keen to convince this Tribunal that the Ex. R-1 does not deserve to be conclusively relied upon this Tribunal in the face of the categorical admission in the reply to the replication of the claimant by the respondents, wherein they had stated that since the record prior to 1990 has been destroyed, under a written order, its, non-adduction repulses the stand of the respondent in the reply that the claimant never served with the department in the years, other, than those reflected in Ex. R-1, as, for want of production of the records pertaining to those years as averred by the claimant during which he served with the respondents, an inference ought to be drawn that the claimant as a matter of fact served the respondents, even, in the years as averred in the claim petition.

13. The above submission of the Authorised representative for the petitioner in my view in the light of the fact that annexure R-II containing the seniority list of mazdoors working with the respondents since the year 1994 does not include the name of the claimant and when the year of the maintenance of the seniority list by the respondents, is, a year subsequent to the destruction of the record of the daily rated beldars working under the respondents, which destruction of records was done in the year 1994, hence, when the preparation of the seniority list and its not including the name of the claimant has not come to be assailed or challenged by the claimant at the earliest on the ground of non-inclusion of his name by the respondents being motivated or hinged upon malafides or vendetta carried by the respondents against him. Consequently, the result of annexure R-II containing the seniority list of mazdoors working under the respondents while not including the name of the claimant in it leads to the conclusion that it has been prepared while taking into account the length of service of the persons included in it and who had served the respondent at the time of or prior to the destruction of the record with respect to their service, by, the respondents in the year 1994. Hence, when annexure R-II is presumed to have been prepared in accordance with law by the officials of the respondents during the discharge of their official duties, it carries a presumption of truth, which may have been rebutted by pleadings and adducing apposite proof, of its preparation being motivated by vice or vendetta, which pleadings and consequential proofs is absent, thereby incapacitating the claimant to assume seniority over them, hence, annexure R-II is concluded to have been prepared in accordance with law. Hence, it carries conclusiveness.

14. Though, it has also been contended by the Authorised representative for the petitioner that the claimant's retrenchment was legally wrong in as much as, even to subsequent his retrenchment, juniors, continued to be engaged by the respondents, however, when neither the names of such juniors have been pleaded nor proved by way of cogent evidence, the bare assertion of the factum of the certain un-named juniors being continued/retained in service by the respondents after the dis-engagement of the service of the claimant, and which retention has been contended to be in violation of the rights of the claimant, so also, being in supersession to his rights to, continue in service with the respondents, however, for want of specific evidence of the names of such juniors legally necessary for substantiating the infraction of the rule, of, "Last Come First Go". I cannot come to be convinced that there has been any violation of the principle of "Last Come First Go" by the respondents, in their coming

to retrench the services of the claimant. Even, otherwise, in the seniority list marked as annexure R-II, the name of the claimant does not occur it, therefore, even on the score of non-occurrence of the name of the claimant in seniority list annexure R-II, the conclusion can also be formed that the claimant had no juniors to him who were continued to be retained by the respondents subsequent to his retrenchment. Had the name of the claimant been included in the seniority list at any place, and the persons below him were continued to be retained by the respondents, then, there was palpable violation of the principle of "First Come Last Go". However, when, it is not so, the persons included in annexure R-II can be said to have been included in it on the basis of the period of length of service with the respondents and that merely on the score of the period of days mentioned in the annexure R-I which service has not been ever proved by the petitioner to be for longer tenure or commencing from a period prior to and a period of days longer in terms of continuity of his service with the respondents, then, for him to assume seniority over them, is over the persons included in Annexure R-II, therefore, it can be said that the principle of "First Come Last Go" has not been violated.

15. It has been further contended by the Authorised Representative for the claimant that the respondents while re-engaging the workmen, have not given any opportunity to him to rejoin and hence, have violated the provisions envisaged under Section 25-H of the Act. This contention raised on behalf of the petitioner appears to be totally unsustainable for the reason that the petitioner has led no evidence to prove this aspect of the case. Moreover, neither the name of any such person re-engaged after his retrenchment, has been pleaded nor proved by way of cogent evidence, hence, the bare assertion of the factum of the certain persons have been employed after the disengagement of the petitioner and continuing in service under the respondent, in the absence of cogent and convincing evidence, cannot convince me that the provisions of section 25-H of the Act have been violated by the respondents.

16. Even the above contention as have been advanced by the Ld. Counsel appearing for the petitioner is ridden with an inherent legal flaw, not, only while being diametrically opposed to the statement of claim, but, also coming within the mischief of delay and laches, as, attract to the belated claim in the light of the interpretation afforded to the provisions of sub-section (1) to section 10 of the act, extracted below, by, the Hon'ble High Court Himachal Pradesh, while deciding C. W. P. 398 of 2001:-

"(1) Where the appropriate Government, is of opinion that any industrial dispute exists or is apprehended, it may at any time, by order of writing,--

- refer the dispute to a Board for promoting a settlement thereof; or
- refer any matter appearing to be connected with or relevant to the dispute to a court for inquiry; or
- refer the dispute or any other matter appearing to be connected with or relevant to, the dispute, if it relates to any matter specified in the Second Schedule, to a Labour Court for adjudication; or
- refer the dispute or any matter appearing to be connected with or relevant to the dispute, whether it relates to any matter specified to the Second Schedule or the Third Schedule, to a Tribunal for adjudication".

17. In the verdict rendered by the Hon'ble High Court of Himachal Pradesh in C. W. P. No. 398 of 2001, the Hon'ble High Court of Himachal Pradesh drew the conclusion that the phraseology in sub-section (1) of section 10 of the Act, containing the language "Any dispute exists or apprehended" has a reference and a bearing towards, a dispute which, is not stale, which would make

it so by inordinate lapse of time from the date having arisen resulting in the gathering of the condensation that it is faded.

18. While coming to the conclusions, the Hon'ble High Court of Himachal Pradesh has interpreted the relevant provision of Section 10 of the Act, the Hon'ble High Court of Himachal Pradesh had relied upon prior decisions contained in AIR 1959 SC 1217, (2000) 1 SCC 371 and (2000) 2 SCC 455, relevant paragraphs of which are extracted herein below:-

"M/s Shalimar Works Limited Vs. Their Workmen (AIR 1959 SC 1217) :

It is true that there is limitation prescribed for reference for disputes to an Industrial Tribunal, even so it is only reasonable that a dispute should be referred as soon as possible after they have arisen and after conciliation proceedings have failed, particularly so when disputes relate to discharge of workmen wholesale, as in this case. The industry has to carry on and if for any reason there has been a wholesale discharge of workmen and closure of the industry followed by its reopening and fresh recruitment of labour, it is necessary that a dispute regarding reinstatement of a large number of workmen should be referred for adjudication within a reasonable time. We are of opinion that in this particular case the dispute was not referred for adjudication within a reasonable time as it was sent to the Industrial Tribunal more than four years after even re-employment of most of the old workmen. We have also pointed out that it was open to the workmen themselves even individually to apply under S. 33-A in this case; but neither that was done by the workmen nor was the matter referred for adjudication within a reasonable time. In these circumstances, we are of opinion that the Tribunal would be justified in refusing the relief of re-instatement to avoid dislocation of the industry and that is the correct order to make".

"National Engineering Industrial Ltd. Vs. State of Rajasthan and others (2000) 1 SCC 371 :

"It will be thus seen that the High Court has jurisdiction to entertain a writ petition when there is an allegation that there is no industrial dispute and none apprehended which could be the subject matter of reference for adjudication to the Industrial Tribunal under Section 10 of the Act. Here it is a question of jurisdiction of the Industrial Tribunal, which could be examined by the High Court in its writ jurisdiction. It is the existence of the Industrial Tribunal (sic dispute which would clothe the appropriate Government with power to make the reference and the Industrial Tribunal to adjudicate it. If there is no industrial dispute in existence or apprehended the appropriate Government lacks power to make any reference.

Nedungudi Bank Ltd. Vs. K. P. Madhavankutty and others (2000) 2 SCC 455 :

"Law does not prescribe any time limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is not that this power can be exercised at any point of time and to remove matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us, to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from

service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject matter of reference under Section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently re-instated is nowhere mentioned. Demand raised by the respondent for raising an industrial dispute was ex-facie bad and incompetent.

In the present appeal it is not the case of the respondent that the disciplinary proceedings, which resulted in his dismissal, were in any way illegal or there was even any irregularity. He availed his remedy of appeal under the rules governing his conditions of service. It could not be said that in the circumstances an industrial dispute did arise or was even apprehended after a lapse of about seven years of the dismissal of the respondent. Whenever a workman raises some dispute it does not become an industrial dispute and the appropriate government cannot in a mechanical fashion, make the reference of the alleged dispute treating it as an industrial dispute. The Government lacked power to make reference both on the ground of delay in invoking the power under Section 10 of the Act and there being no industrial dispute existing or even apprehended. The..... keep industrial peace in an establishment. The reference is.....to peace and defeats the very object and purpose of the Act. The Bank was justified in thus moving the High Court Seeking an order to quash the reference in question".

19. Even, though, the Ld. Authorised representative for the petitioner, has, too, echoed his resistance to the applicability of the pronouncements as extracted herein above, and, has sought to fortify his resistance by banking upon a judgment of the Hon'ble Apex Court reported in 2001 (6) SCC 2221 titled "Sapan Kumar Pandit Vs. H.P.S.E.B. and other", to contend that no limitation is prescribed, under the Act, however, with the Hon'ble Justice Shri C. K. Thakker, while deciding CWP 398/2001, as, is apparent from the reading of the judgment rendered by him, was aware, of, the afore relied pronouncement of the Hon'ble Apex Court, and or an incisive analysis of the verdict in Sapan Kumar Pandit's case, postulating a digression by the Hon'ble Apex Court, from the earlier view rendered in Nedungadi Bank Ltd., in, as much as, the distinguishing mark of the deviant view taken by the Hon'ble Apex Court in Sapan Kumar Pandit's case, was the legitimate expectation, entertained by the claimant in that case on an assurance to him by the Management/employer, that, as and when, the benefits were accorded in to similarly situated co-workmen, who, had promptly raised the dispute, through, the workers Union, he, too, would being similarly situated, even, if, he had not preferred a claim, would be afforded parity of treatment with them, hence, his omission to take steps to redress his grievance at the earliest was held not to be fatal. However, the Hon'ble Apex Court did not apart from the distinguishing facts in Sapan Kumar Pandit's case, from Nedungadi Bank Ltd. Case, decided, by it earlier, while, denouncing preferment of stale claim, did not reconsider the ratio decidendi laid by it, in Nedungadi's case, hence the ratio decidendi in the Nedun-

the salient distinguishing mark in S. K. Pandit's case, which, alone constrained the Hon'ble Apex Court to take a dissimilar view, only on the existence of an assurance, received, by the claimant in that case from his employers for re-engagement or by the existence of the some pressing cause, which precluded him to raise an industrial dispute, which facts, as they existed in S. K. Pandit's case, so, as, to comply with the deviant rule in the said case, from the preponderant view in Nedungadi's case, do not exist on the record, of this case, therefore, the ratio decidendi in Nedungadi Bank Ltd., case is applicable to the facts of this case.

20. Bearing in mind the above discussions hinged upon the verdict of the Hon'ble High Court of Himachal Pradesh holding that the belated preferment of claim imbues it with staleness, so, as to render the reference comprising the dispute to be, also, stale, thereby rendering the reference as not maintainable and while keeping in mind the delay and latches as have taken place, since the retrenchment of the workmen which took place in the year 1993, the reference as has been made of the dispute by the competent authority in the year 2003 is manifestly and palpably belated, especially, when no explanation or proof of delay exists, hence stale, therefore, on account of staleness of the claim, the claim, as, preferred before this Tribunal, in my view is not maintainable being barred by delay and latches. Since the staleness of claim has been held to be not keeping the dispute alive, therefore, the conclusion is that the workman has acquiesced in it or a dispute as it then was and which ought to have been expeditiously canvassed by the workman, on account of delay, can, be said to have been effected or faded, so, also, the concomitant effect is that inference of abandonment can also be made.

21. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. All the issues are accordingly decided in favour of the respondent and against the petitioner.

RELIEF

22. In view of my findings on above issues, since there no merit in the claim of the petitioner and therefore, the claim is dismissed. The reference is answered accordingly.

23. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced 26-12-2005.

SURESHWAR THAKUR,
Seal. Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified Copy 26-12-2005

In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala,
Himachal Pradesh

Reference No. : 434/2004
Instituted on : 11-10-2004
Decided on : 26-12-2005

Rakesh Kumar s/o Shri Chand Lal, Village Bahranautam,
P.O. Massour, Tehsil Ghumarwin, District Bilaspur,
Himachal Pradesh Petitioner.

By

State of Himachal Pradesh through Secretary PWD
Shimla-2.

The Executive Engineer, H P P W D Division,
Shimla-2.

Reference under Section 10 of the Industrial Disputes Act, 1947.

For the petitioner ..Shri Kamal Koundal, Adv.

For the respondent ..Shri R. D. Sharma, D. A.

Relief

The petition is dismissed as per operative part of the Award. The reference is answered accordingly.

REASONS FOR FINDINGS

AWARD

Issue No. 1 to 3 :

1. The hereinafter extracted reference has been received for adjudication before this court:—

"Whether the termination of services of Shri Rakesh Kumar s/o Shri Chand Lal, workman by the Executive Engineer' H P P W D Division, Ghuma win, District Bilaspur, Himachal Pradesh w. e. f. 1-8-1998 without complying the provisions of the Industrial Disputes Act, 1947 and whereas the junior to him are retained by the department is proper and justified? If not, what relief of service benefits and compensation the above aggrieved workman is entitled to?"

2. The petitioner on receipt of reference aforementioned by this Tribunal for rendition of an award, preferred the statement of claim before this Tribunal, wherein he averred that he was engaged by the respondent in the capacity of a daily wage labourer in July 1997 under Bharari Sub-Division initially and he continued to work as such upto October, 1999 and thereafter, his services were dis-engaged by the respondent by a verbal order. Further more he contended that his services has been retrenched by a verbal order in violation of the provisions of Section 25-F and 25-G of the Industrial Disputes Act, 1947 (hereinafter referred in short as the Act), which were applicable to him, hence, as his services were dis-engaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he had put in more than 240 days of continuous service with the respondent and he has prayed that his retrenchment be set aside and the respondent be directed to re-engage him with back wages with no break in service.

3. The claim was resisted and contested by the respondent by filing a detailed reply. It is contended by the respondent in the reply that the petitioner never completed more than 240 days of continuous service and in support thereof reliance has been placed on annexure R-1. It is further contended that the petitioner was engaged as a Beldar on daily wages on 8/97 and worked upto 7/98 and thereafter, his services were dis-engaged due to lack of funds as well as due to completion of work. Therefore it is contended that the claimant is not entitled to any relief.

4. On the respective pleadings of the parties following issues were framed for decision on:—

- Whether the services of the petitioner were terminated by the respondent with effect from 1-8-1998 without complying the provisions of Industrial Disputes Act, 1947, in an illegal and improper manner, as alleged? OPP
- If issue No. 1 is proved in affirmative, to what service benefits/compensation the petitioner is entitled to? OPP
- Whether the services of the petitioner were terminated by the respondent due to lack of funds and due to completion of work as alleged? If so, its effect? OPR
- Relief.

5. For the reasons to be recorded hereinafter my issue-wise findings are as under:—

Issue No. 1	No
Issue No. 2	No benefits
Issue No. 3	Not pressed

6. All the issues are inter-connected and hence taken together for discussions and findings.

7. In support of the contents of the statement of claim, the petitioner has relied upon his affidavit, which has been tendered in evidence, as PW-1. So also in proof of the contentions in the reply furnished by the respondent, they have relied upon the testimony of RW 1 Shri Karamjeet Singh, Assistant Engineer, H P P W D Sub-Division, Bharari, who has tendered into evidence Ex. RW 1.

8. The controversy in the instant matter is as to whether there was contravention of the provisions of Section 25-F of the Act, which provisions are extracted herein below:—

"25-F Conditions precedent to retrenchment workmen:—

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until:—

- the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice; wages for the period of notice;
- the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen day's average pay (for every completed year of continuous service or any part thereof in excess of six months; and
- notice in the prescribed manner is served on the appropriate government (or such authority as may be, specified by the appropriate government by notification in the official Gazette)".

9. The term continuous service is referred in Section 25-B of the Act, which provisions are extracted herein below:—

"25-B Definition of continuous service.—For the purposes of this Chapter:—

- a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman;
- where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer:—
 - for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - two hundred and forty days, in any other case.

(b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) ninety-five days, in the case of workman employed below ground in a mine; and

(ii) one hundred and twenty days, in any other case."

10. On perusal of the above said provisions of the Act, it is necessary in order that the claimant is to be afforded/held to be entitled to the benefits of the provisions of Section 25-F of the Act, it is incumbent upon him to establish by forthright and categorical evidence that he had completed more than 240 days of continuous service with the respondent and that too in the year preceding his retrenchment. In that regard, the claimant has mainly relied upon his testimony, as also his affidavit, bearing Ex. PW-1/1, in which he has alleged contravention of the provisions of Section 25-F of the Act, by the respondent in their alleged illegal Act in verbally retrenching his services, whereas, when he had completed 240 days of continuous service with the respondent in the year preceding his verbal retrenchment, he could have not been disengaged, without compliance, by the respondent with the provisions of Section 25 (F) of the Act. However, the above contents of the affidavit as furnished by the petitioner have not been corroborated by any reliable documentary evidence placed on the record. Rather, in respect of the number of days of service of the workman with the respondent during his period of engagement under him the respondents have relied upon Ex. RW-1 which is a disclosure on affidavit by RW-1 of the number of days of continuous service performed by the claimant under the respondent. Since Ex. RW-1 has been prepared during the performance of official duties by the respondent or during the discharge of his official duties, it enjoys a presumption of truth and only if cogent evidence is placed on the record to, impeach its reliability, that the presumption as available to be taken as to the probative value of Ex. R-1, while, applying the provisions of Section 35 of the Evidence Act, would it be repelled/defeated. However, on such evidence, so as to enable this court to conclude that presumption of truth enjoyed to Ex. RW 1 while applying the provisions of Section 35 of the Indian Evidence Act to it is negative, as on the record, therefore, it is to be concluded with a more reinforced vigour and strength that annexure RW-1 contains the truth with respect to the number of days of continuous service performed by the petitioner under the respondent, which, number of days as revealed by annexure R-1/Ex. RW-1 is less than 240 days; therefore, when the provisions of Section 25-F would apply only when the workman has completed more than 240 days of continuous service with the respondent, as such, therefore, when the petitioner in this case has not completed the mandatory stipulated period of time of continuous service being a condition precedent for its application, with the respondent, in the twelve calendar month preceding his retrenchment obviously, he cannot rely upon the provisions of Section 25-F of the Act, so as to contend that his retrenchment/disengagement by the respondent for want of compliance of the provisions of Section 25-F of the Act, is legally unjustified.

11. It has been contended by the learned counsel for the claimant, that since the workmen junior to the petitioner continued to be retained in service by the employer subsequent to the alleged illegal retrenchment of the service of the petitioner by the employer, hence the provisions of Section 25-G of the Act, envisaging the principle of "last come first go" have come to be violated rendering the retrenchment of the claimant void. However, while considering the contention of the ld. counsel for the petitioner, in his canvassing before this Tribunal that the services of the persons contended to be junior to him as retained by the respondents and continued in the service of the respondent has worked transgression of the principle of "Last come First go", however, in the light of the assertions in the reply of the respondents, that the respondents are continuing in service with the

respondents in pursuance to the orders of the Himachal Pradesh Administrative Tribunal, which have been placed on the record as AR-I, AR-II, AR-III, AR-IV, AR-V and on whose reading, it is apparent that the re-engagement of the aforesaid persons has been ordered by the Himachal Pradesh Administrative Tribunal, as they had completed 240 days of continuous service with the respondent, at the time of their retrenchment by the respondent, whereas, the claimant had not, hence, with the period of continuity of service rendered by the persons contended by the petitioner in his claim petition, to be junior to him, whose retention is contended to have been in contravention of the provisions of Section 25-G of the Act, in the light of the number of mandays in service rendered by them under the respondents, on the mere factum of their length of service, longer, than, the service of the petitioner, makes them, senior to the petitioner. As their services came to be retrenched contemporaneously with the retrenchment of the services of the claimant by the respondent, therefore, on that score, too, their longer length of continuity of service makes them senior to the petitioner. Besides, that their services have been re-engaged by the respondent in pursuance to the orders rendered by the Himachal Pradesh Administrative Tribunal, therefore, their re-engagement pursuant to the orders of a judicial forum does not leave any scope for this Tribunal to render the findings that their re-engagement was unwarranted or that they had not completed 240 days of continuous service under the respondents on which score alone their reinstatement was ordered, contrary, to the length of service, as performed by the claimant, which is a lesser period of his service under the respondent hence divests him to claim parity with them, as also the application and consequent violation of the principle of 'last come first go' is not made out. Both these issues are decided accordingly.

Issue No. 3 :

12. The Ld. Authorised representative appearing on behalf of the respondent has stated at the Bar that he does not want to press issue No. 3.

13. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. Both the issues are accordingly decided in favour of the respondent and against the petitioner and issue No. 3 is decided as not pressed.

RELIEF

14. In view of my findings on above issues, since, there is no merit in the claim of the petitioner, and therefore, the claim petition being without any merits, is dismissed. The reference is answered accordingly.

15. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced on 26-12-2005.

SURESHWAR THAKUR,

Seal. Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified Copy

In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala,
Himachal Pradesh

Reference No. 25/2004
R. B. T. 212/04
Instituted on 30-1-2004
Decided on 26-12-2005

Shri Rajender Kumar s/o Shri Durga Dass, r/o Village Gangleh, P.O. Gangleh, Tehsil Jhandutta, District Bilaspur, Himachal Pradesh .. Petitioner.

VS.

State of Himachal Pradesh through Secretary, P.W.D., Shimla-2.

The Executive Engineer, H. P. P. W. D. Division,
Ghumarwin, Bilaspur, Himachal Pradesh

REASONS FOR FINDINGS

Respondent.

"Reference under Section 10 of the Industrial Disputes Act, 1947".

For the petitioner: Shri K. K. Sharma, Adv.
For the respondent: Shri R. D. Sharma, D. A.

AWARD

1. The hereinafter extracted reference has been received for adjudication before this court:—

"Whether the termination of services of Shri Rajender Kumar s/o Shri Durga Dass, daily wages beldar by the Executive Engineer, H. P. P. W. D. Division Ghumarwin, District Bilaspur, Himachal Pradesh w. c. f. 30-9-1998 without complying the provisions of the Industrial Disputes Act, 1947 and whereas the junior to him are retained as alleged by the workman is proper and justified? If not, what relief of services benefits the above aggrieved workman is entitled to?"

2. The petitioner on receipt of reference aforementioned by this Tribunal for rendition of an award, preferred the statement of claim before this Tribunal, wherein he averred that he was engaged by the respondent in the capacity of a daily wage labourer in September 1996 under Berthin sub-Division Section initially and he continued to work as such up to September 1998 and thereafter, his services were disengaged by the respondent by a verbal order. Further more he contended that his service has been retrenched by a verbal order in violation of the provisions of Section 25-F and 25-G of the Industrial Disputes Act, 1947 (hereinafter referred in short as the Act), which were applicable to him, hence, as his services were disengaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he had put in more than 240 days of continuous service with the respondent and he has prayed that his retrenchment be set aside and the respondent be directed to re-engage him with back wages with no break in service.

3. The claim was resisted and contested by the respondent by filing a detailed reply. It is contended by the respondent in the reply that the petitioner never completed more than 240 days of continuous service and in support thereof reliance has been placed on annexure R-1. It is further contended that the petitioner was engaged as a beldar on daily wages on 9/96 and worked up to 9/98 and thereafter, his services were disengaged due to lack of funds as well as due to completion of work. Therefore it is contended that the claimant is not entitled to any relief.

4. On the respective pleadings of the parties following issues were framed for decision:—

- Whether the services of the petitioner were terminated by the respondent with effect from 30-9-1998 without complying the provisions of I.D. Act, 1947, in illegal and unjustified? OPP.
- If issue No. 1 is proved in affirmative, to what service benefits the petitioner is entitled to? OPP.
- Whether the services of the petitioner were terminated due to lack of funds and completion of the work, as alleged, if so its effect? OPR.
- Relief.
- For the reasons to be recorded hereinafter my issue wise findings are as under:—

Issue No. 1	No
Issue No. 2	No benefits
Issue No. 3	Not pressed
Relief	The petition is dismissed as per operative part of the Award. The reference is answered accordingly.

Issue No. 1 and 2 :

6. Both these issues are inter-connected and hence taken together for discussions and findings.

7. In support of the contents of the statement of claim, the petitioner has relied upon his affidavit, which has been tendered in evidence, as PW 1. So also in proof of the contentions in the reply furnished by the respondent they have relied upon the testimony of RW 1 Shri R. C. Gupta XEN, H. P. P. W. D. Ghumarwin, who has been tendered into evidence Ex. RW 1.

8. The controversy in the instant matter is as to whether there was contravention of the provisions of Section 25-F of the Act, which provisions are extracted herein below:—

"25-F Condition precedent to retrenchment of workmen :—

No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until:—

- the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice;
- the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate government by notification in the official Gazette)".

9. The term continuous service is referred in Section 25-B of the Act, which provisions are extracted herein below:—

"25-B. Definition of continuous service for the purposes of this Chapter :—

- a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness of authorized leave or an accident or a strike which is not illegal or a lock out or a cessation of work which is not due to any fault on the part of the workman;
- where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—
 - for a period of one year, if the workman during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - two hundred and forty days, in any other case.
 - for a period of six months, if the workman during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually

worked under the employer for not less than—

- (i) ninety-five days, in the case of workman employed below ground in a mine; and
(ii) one hundred and twenty days, in any other case?

10. On perusal of the above said provisions of the Act, it is necessary, in order that the claimant is to be afforded to be entitled to the benefits of the provisions of Section 25-F of the Act, it is incumbent upon him to establish by forthright and categorical evidence that he has completed 240 days of continuous service with the respondent and that too in the year preceding his retrenchment. In that regard, the claimant has mainly relied upon his testimony, as also his affidavit bearing Ex.PW-1/1, in which he has alleged contravention of the provisions of Section 25-F of the Act, by the respondent in their alleged illegal Act in verbally retrenching his services, whereas, when he had completed 240 days of continuous service with the respondent in the year preceding his verbal retrenchment, he could have not been dismissed, without compliance, by the respondent with the provisions of Section 25 (F) of the Act. However, the above contents of the affidavit as furnished by the petitioner have not been corroborated by any reliable documentary evidence placed on the record. Rather, in respect of the number of days of service of the workman with the respondent during his period of engagement, under him the respondents have relied upon Ex. RW-1 which is a disclosure on affidavit by RW-1 of the number of days of continuous service performed by the claimant under the respondent. Since Ex. RW-1 has been prepared during the performance of official duties by the respondent or during the discharge of his official duties, it enjoys a presumption of truth and only if cogent evidence is placed on the record to impeach its reliability that the presumption as available to be drawn as to the probative value of Ex. R-1, while applying the provisions of Section 35 of the Evidence Act, would it be repelled/defeated. However, no such evidence, so as, to enable us to conclude that presumption of truth enjoyed by Ex. RW-1 while applying the provisions of Section 35 of the Indian Evidence Act to it, is negated, exists on the record, therefore, it is to be included with all the more reinforced vigour and strength that annexure RW-1 contains the truth with respect to the number of days of continuous service performed by the petitioner under the respondent, which, number of days as revealed by annexure R-1/Ex. RW-1 is less than 240 days, therefore, when the provisions of Section 25-F would apply only when the workman has completed more than 240 days of continuous service with the respondent, as such, therefore, when the petitioner in this case has not completed the mandatory stipulated period of time of continuous service, being, a condition precedent, for its application, with the respondent, in the twelve calendar month preceding his retrenchment, obviously he cannot rely upon the provisions of Section 25-F of the Act, so as to contend that his retrenchment/disengagement by the respondent for want of compliance of the provisions of Section 25-F of the Act, is legally unjustified.

11. It has been contended by the learned counsel for the claimant that since the workman junior to the petitioner continued to be retained in service by the employer subsequent to the alleged illegal retrenchment of the service of the petitioner by the employer, hence the provisions of Section 25-G of the Act, envisaging the principle of "last come first go" have come to be violated rendering the retrenchment of the claimant void. However, while considering the contention of the Id. counsel for the petitioner, in his, canvassing before this Tribunal the service of the persons contended to be junior to him, as retained by the respondents and continued in the service of the respondents has worked transgression of the principle of "Last come First go", however, in the light of the assertions in the reply of the respondents, that the aforesaid persons are continuing in service of the respondents in pursuance to the orders of the

been placed on the record as AR-I, AR-II, AR-III, AR-IV, AR-V and on whose reading, it is apparent that the re-engagement of the aforesaid persons has been ordered by the Himachal Pradesh Administrative Tribunal, as they had completed 240 days of continuous service with the respondent, at the time of their retrenchment by the respondent, whereas, the claimant had not, hence, with the period of continuity of service rendered by the persons contended by the petitioner in his claim petition, to be junior to him, whose retention is contended to have been in contravention of the provisions of Section 25-G of the Act, in the light of, the number of mandays in service rendered by them under the respondents, on the mere factum of their length of service, longer, than, the service of the petitioner, makes them, senior, to, the petitioner, as their service came to be retrenched contemporaneously with the retrenchment of the services of the claimant by the respondent, therefore, on that score, too, their longer length of continuity of service makes them senior to the petitioner. Besides, that their services have been re-engaged by the respondent in pursuance to the orders rendered by the Himachal Pradesh Administrative Tribunal, therefore, their re-engagement pursuant to the orders of a judicial forum does not leave any scope for this Tribunal to render the findings that their re-engagement was un-warranted or that they had not completed 240 days of continuous service under the respondents on which score alone their reinstatement, retrenchment was ordered, contrary, to the length of service, as performed by the claimant, which is lesser period of his service under the respondent divests him to claim parity with them, as also the application and consequent violation of the principle of "last come first go" is not made out. Both these issues are decided accordingly.

Issue No. 3 :

12. The Id. Authorised representative appearing on behalf of the respondent has stated at the Bar that he does not want to press issue No. 3.

13. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. Both the issues are accordingly decided in favour of the respondent and against the petitioner and issue No. 3 is decided as not pressed.

RELIEF

14. In view of my findings on above issues, since, there no merit in the claim of the petitioner, and therefore, the claim petition being without any merits, is dismissed. The reference is answered accordingly.

15. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced on 26-12-2005.

SURESHWAR THAKUR,

Secal. Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified Copy 26-12-05

In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala
Himachal Pradesh

Reference No. 110/2002 (R. B. T. 190/04)

Instituted on 25-4-2003

Decided on 26-12-2005

Shri Krishan Lal s/o Shri Bhagat Ram, Village Bag-
Majher, P. O. Kutchla, Sub-Teh. Shri Naina Devi Ji,
District Bilaspur, Himachal Pradesh

vs.

The Executive Engineer, H. P. P. W. D., Division No. _____
Respondent

Industrial Tribunal, even so it is only reason-

is nowhere mentioned. Demand raised by the respondent for...

"Reference under Section 10 of the Industrial Disputes Act, 1947"

5. Relief.

For the petitioner : Shri S. S. Sippy, A. R.

For the respondent : Shri R. D. Sharma, D. A.

AWARD

1. The hereinafter extracted reference has been received for adjudication before this court :

श्री कृष्ण लाल मुकुट श्री भगत राम दैनिक बेतन बेलदार की श्रद्धांश दि० १० लोक विभाग विभाग मण्डल न० 11, बिजपुर (हि०प्र०) द्वारा दिनांक 1-7-1995 में औद्योगिक विवाद प्रणित, 1947 में दिए गए सेवाओं की अनुवर्तन किं (नया नौकर) ने निकाला जाना उचित व वाजिब मान है? यदि नहीं तो श्री कृष्ण लाल कामगार किम सेवा लाभों एवं राहत का दावा है ?

2. The petitioner on receipt of a reference aforementioned by this Tribunal for rendition of an award, preferred the statement of claim before this Tribunal, wherein he averred that he was engaged by the respondent in the capacity of a daily rated beldar on 20-8-1994 and he continued to work as such upto 30-6-1995. However, on 30-6-1995, he averred that his services were disengaged by the respondent by a verbal order. Further more, he contended in the statement of claim preferred before this Tribunal that he requested his employer to re-engage him on many occasions, however, his request did not bear any fruit. Also he averred that after his disengagement the respondent has engaged in various capacities a number of workmen. Further more he contended that his service as has been retrenched by a verbal order is in violation of provisions of Section 25-F (a), 25-F (b) and 25-G of the Industrial Disputes Act, 1947 (hereinafter referred in short as the Act), which were applicable to him, and since as his services were disengaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he put in more than 240 days of continuous service with the respondent and his juniors continue to be retained subsequent to his retrenchment, he has pray that his retrenchment be set aside and the respondent be directed to re-engage him with back wages and seniority.

3. The claim was resisted and contested by the respondent by filing detailed reply, wherein the respondent pleaded that the petitioner was not retrenched and as such, the question of retrenchment compensation does not arise. Further more, it is contended in the reply that the petitioner has never completed 240 days of continuous service with the respondent. The respondent denied all other assertions made by the petitioner in his claim petition and prayed for the dismissal of the claim petition.

4. Reply was filed by the petitioner to the reply of the respondent, wherein the submissions as made by the respondent in the reply are denied and the assertions made by the petitioner were re-assured.

5. On the respective pleadings of the parties following issues have been struck between the parties at contest:—

- Whether the petitioner Krishan Lal was terminated as daily waged worker by the respondents w. e. f. 1-7-1995 in violation of mandatory provisions of Industrial Disputes Act, 1947 as alleged? OPP.
- If issue no. 1 is proved in affirmative, to what service benefits the petitioner is entitled to along with back wages seniority compensation if any? OPP.
- Whether the petition has been filed beyond period of limitation as alleged? OPR.
- Whether the petitioner was re-engaged as daily wage on seasonal work as alleged, if so, its effect? OPR.

6. For the reasons to be recorded hereinafter my issue wise findings are as under:

Issue No. 1	Yes
Issue No. 2	No benefits in view of findings on issue No. 3.
Issue No. 3	Yes
Issue No. 4	No
Relief	The petition is dismissed as per operative part of the Award. The reference is answered accordingly.

(REASONS FOR FINDINGS)

Issue No. 1 to 4 :

7. The issues are inter-connected and hence taken together for discussions and findings.

8. In support of the contentions as asserted in the statement of claim, the petitioner relied upon his testimony.

9. In support of the contentions as made in the reply, the respondent examined Shri Bishan Dass, Asstt. Eng., H. P. P. W. D., Sub-division, Swarghat, District Bilaspur, Himachal Pradesh who has testified a witness before this court and has categorically deposed that the services of the petitioner were not retrenched by the respondent, rather, he abandoned the work.

10. I have given my careful thought and the consideration to the rival submissions of the Id. Counsel on either side who have respectively canvassed that the disengagement by the employer, of the services of the petitioner who was working as a daily rated beldar is illegal, void, hence deserves to be set aside, and that the order of retrenchment, if any, is in order, as the workman has abandoned the work, besides, the reference is bad as it comprises a stale claim, which ought not to be countenanced.

11. On a perusal of the reply on merits, it is apparent that in the year 1994 and 1995 the, workman, has completed 133 and 181 days of continuous service with the respondent, however, in the subsequent year he did not do so, as it is disclosed in the reply that he left the job at his own. However, the above contents of the reply are to be believed, as, in substantiation to the assertion/ statement of the claimant that he was disengaged on 30-6-1995, no cogent evidence has been adduced by claimant to, overcome the authenticity of the reply, which demonstrates the abandonment of the job by him in the year 1995 and not his oral retrenchment on 30-6-1995, by the respondent. The conclusion is that the reply is to be construed to be affording conclusive evidence, so far as the number of days for which, the claimant worked under the respondent. So, also the contention in the statement of claim by the petitioner that he was orally terminated in the year 1995 comes to be belied.

12. Even which *prima facie* accepting the contention of the respondent, that the claimant abandoned his job, however, nevertheless the Authorized Representative for the claimant has contended that the purported disengagement of the claimant in the year 1995 having been occasioned without compliance with the provisions of law as contained in Section 25-F (a) (b), 25-G and 25-H of the Act, in as much as, despite his having rendered 240 days of continuous service with the respondent in the year relevant to and preceding his retrenchment, hence with the fulfillment by him, the legally requisite number of days of rendition of continuous service by him under the respondent in the relevant preceding 12 calendar months to the year of his disengagement i. e. 1995 necessitated the applicability of

the provisions of the act, which, not having been complied renders the retrenchment illegal.

13. While considering, de hors, the above reasoning adopted by me in ousting the claim of the workman. Now assuming that he was disengaged in the year 1994 or had voluntarily abandoned his job with the respondent, then, when in the relevant twelve calendar months preceding his retrenchment, he completed more than 240 days of continuous service, as borne by annexure-C, then at least obedience had to be paid by the respondent to the provisions of the Act, in as much as when the legally requisite days of continuous service rendered by the workman under the respondent, it was incumbent upon the employer of the workman to give him one month notice indicating the reasons for his retrenchment or wages in lieu of such notice of period, as envisaged by the provision of Section 25-F of the Act, however, contravention, as such exists on record, as on notice was issued to the workman indicating the reasons for his retrenchment nor evidence exists of payment of one month's wages in lieu of retrenchment which mandatory statutory non-compliance may make, the retrenchment as effected to be legally fallible, as is canvassed before this tribunal by the Id. counsel.

14. However, the above contention as has been advanced before this Tribunal by the Id. counsel appearing for the petitioner is ridden with an inherent legal flaw, as it comes within the mischief of delay and laches, as, attracted, to the belated claim, in the light of the interpretation afforded to the provisions of sub-section 1 of Section 10 of the Act, extracted below, by the Hon'ble High Court of Himachal Pradesh, while deciding C. W. P. No. 398 of 2001:—

"(4) Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time, by order of writing:—

- (a) refer the dispute to a Board for promoting a settlement thereof; or
- (b) refer any matter appearing to be connected with or relevant to the dispute to a court for inquiry; or
- (c) refer the dispute or any other matter appearing to be connected with or relevant to, the dispute, if it relates to any matter specified in the Second Schedule, to a Labour Court for adjudication; or
- (d) refer the dispute or any matter appearing to be connected with or relevant to the dispute, whether it relates to any matter specified to the Second schedule or the Third Schedule, to a Tribunal for adjudication".

15. In the verdict rendered by the Hon'ble High Court of Himachal Pradesh in C. W. P. No. 398 of 2001, the Hon'ble High Court of Himachal Pradesh drew the conclusion that the phraseology Sub-section 1 of Section 10 of the Act, containing the language "Any dispute exists or apprehended" as a reference and a bearing towards a dispute which is not stale, which would make it so by inordinate lapse of time from the date of its having arisen resulting in the gathering of the conclusion that it is faded.

16. While coming to the conclusions, as, drawn by the Hon'ble High Court of Himachal Pradesh on an interpretation of the relevant provisions of sub-section 1 of Section 10 of the Act, the Hon'ble High Court of Himachal Pradesh and relied upon pronouncements contained in AIR 1959 SC 1217, (2000) 1 SCC 371 and (2000) 2 SCC 455, relevant paragraphs of which are extracted herein below:—

"M/s Shalimar Works Limited Vs. Their Workmen (AIR 1959 SC 1217) :

".....It is true that there is limitation prescribed for reference for disputes to an industrial Tribunal, even so it is only reason-

as possible after they have arisen and after conciliation proceedings have failed, particularly so when disputes relate to discharge of workmen wholesale, as in this case. The industry has to carry on and if for any reason there has been a wholesale discharge of workman and closure of the industry followed by its reopening and fresh recruitment of labour, it is necessary that a dispute regarding reinstatement of a large number of workmen should be referred for adjudication within a reasonable time. We are of opinion that in this particular case the dispute was not referred for adjudication within a reasonable time as it was sent to the Industrial Tribunal more than four year after even re-employment of most of the old workmen. We have also pointed out that it was open to the workmen themselves even individually to apply under S. 33-A in this case; but neither that was done by the workmen nor was the matter referred for adjudication, within a reasonable time. In these circumstances, we are of opinion that the tribunal would be justified in refusing the relief of re-instatement to avoid dislocation of the industry and that is the correct order to make."

"National Engineering Industrial Ltd. Vs. State of Rajasthan and others (2000) 1 SCC 371:—

"It will be thus seen that the High Court has jurisdiction to entertain a writ petition when there is an allegation that there is no industrial dispute and none apprehended which could be the subject matter of reference for adjudication to the Industrial Tribunal under Section 10 of the Act. Here it is a question of jurisdiction of the Industrial Tribunal, which could be examined by the High Court in its writ jurisdiction. It is the existence of the Industrial Tribunal (sic) dispute which would clothe the appropriate Government with power to make the reference and the Industrial Tribunal to adjudicate it. If there is no industrial dispute in existence or apprehended the appropriate Government lacks power to make any reference."

Nedungadi Bank Ltd. Vs. K. P. Madhavankutty and others (2000) 2 SCC 455 :

"Law does not prescribe any time limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is not this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject matter of reference under Section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently reinstated is nowhere mentioned. Demand raised by the respondent for raising an industrial dispute

In the present appeal it is not the case of the respondent that the disciplinary proceedings, which resulted in his dismissal were in any way illegal or there was even any irregularity. He availed his remedy of appeal under the rules governing his conditions of service. It could not be said that in the circumstances an industrial dispute did arise or was even apprehended after a lapse of about seven years of the dismissal of the respondent. Whenever a worker raises some dispute it does not become an industrial dispute and the appropriate Government cannot in a mechanical fashion make the reference of the alleged dispute terming it as an industrial dispute. The Government lacked power to make reference both on the ground of delay in invoking the power under Section 10 of the Act and there being no industrial dispute existing or even apprehended. The keep industrial peace in an establishment. The reference is to peace and defeats the very object and purpose of the Act. The Bank was justified in thus moving the High Court Seeking an order to quash the reference in question".

17. Even, though the Id. Authorised representative for the petitioner, has, too, echoed his resistance to the applicability of the pronouncements as extracted herein above, and, has sought to fortify his resistance by banking upon a judgment of the Hon'ble Apex Court reported in 2001 (6), SCOT 2221 titled "Sapan Kumar Pandit Vs. H. P. S. E. B. and other", to contend that no limitation is prescribed, under the Act, however, with the Hon'ble Justice Shri C. K. Thakker, while deciding C. W. P. 398/2001, as, is apparent from the reading of the judgment rendered by him, was aware, of, the afore relied pronouncement of the Hon'ble Apex Court, and on an incisive analysis of the verdict in Sapan Kumar Pandit's case, postulating a digression by the Hon'ble Apex Court, from the earlier view, rendered in Nedungadi Bank Ltd., in, as much, as, the distinguishing mark of the deviant view taken by the Hon'ble Apex Court in Sapan Kumar Pandit's case, was the legitimate expectation, entertained by the claimant in that case on an assurance to him by the Management/employer, that, as and when, the benefits were accorded to similarly situated co-workmen, who, had promptly raised the dispute, through, the workers Union, he, too, would being similarly situated, even, if, he had not preferred a claim, would be afforded parity of treatment with them, hence, his omission to take steps to redress his grievance at the earliest was held not to be fatal. However, the Hon'ble Apex Court did not apart from the distinguishing facts in Sapan Kumar Pandit's case, from Nedungadi Bank Ltd. Case, decided, by it earlier, while, denouncing preferment of stale claim, did not reconsider the ratio decidendi laid by it, in Nedungadi's case, hence, the ratio decidendi in the Nedungadi's case in law remains intact, and in undisturbed save for the salient distinguishing mark in S. K. Pandit's case, which, alone constrained the Hon'ble Apex Court to take a dissimilar, view, only on existence of an assurance, received, by the claimant in that case from his employer for re-engagement or by the existence of the some pressing cause, which precluded him to raise an industrial dispute, which facts, as they existed in S. K. Pandit's case, so, as, to comply with the deviant rule in the said case, from the preponderant view in Nedungadi's case, do not exist on the record, of this case, therefore, the ratio decidendi in Nedungadi Bank Ltd., case is applicable to the facts of this case.

18. Bearing in mind the above discussions hinged upon the verdict of the Hon'ble High Court of Himachal Pradesh holding that the belated preferment of claim induces it with staleness, so, as to render the reference comprising the dispute to be, also, stale, thereby rendering the reference as not maintainable and while keeping in mind the delay and latches a have taken place, since, the ratification of the workmen which took place in the year 1995, the reference as has been made of the dispute by the competent authority in the year 2003 is manifestly

and palpably belated, especially, when of no explanation or proof of delay thereof exists, hence stale, therefore on account of staleness of the claim, the claim, as, preferred before this Tribunal, in my view is not maintainable being barred by delay and latches. Since the staleness of claim has been held to be not keeping the dispute alive, therefore, the conclusion is that the workman has acquiesced in it or a dispute as it then was and which ought to have been expeditiously canvassed by the workman on account of delay can be said to have been affixed or faded, so, also, the concomitant effect is that inference of abandonment can also be made.

19. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. All the issues are accordingly decided in favour of the respondent and against the petitioner.

RELIEF

20. In view of my findings on above issues, since there no merit in the claim of the petitioner and therefore, the claim is dismissed. The reference for the reasons afore stated is answered, as being not maintainable.

21. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to the record room.

Announced:
26-12-2005.

Seal. SURESHWAR THAKUR,
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified Copy on 26-12-2005
In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala
Himachal Pradesh

Reference No. .. 479/200-
Instituted on .. 5-10-2004
Decided on .. 26-12-2005

Shri Subhash s/o Shri Sukh Ram, V. P. O. Ganhloh,
Tehsil Jhandutta, District Bilaspur, Himachal Pradesh
.. Petitioner.

Vs.

State of Himachal Pradesh through Secretary, P. W. D.,
Shimla-2.

The Executive Engineer, H. P. P. W. D., Division
Ghumarwin, Bilaspur, Himachal Pradesh
.. Respondent.

"Reference under Section 10 of the Industrial Disputes
Act, 1947".

For the petitioner .. Shri K. K. Sharma, Adv.

For the respondent .. Shri R. D. Sharma, D. A.

AWARD

1. The hereinafter extracted reference has been received for adjudication before this court:-

"Whether the termination of services of Shri Subhash s/o Shri Sukh Ram, workman by the Executive Engineer, H. P. P. W. D., Division Ghumarwin, District Bilaspur, Himachal Pradesh w. e. f. September 1998 without complying the provisions of the Industrial Disputes Act, 1947 and whereas the junior to him are retained by the department is proper and justified? If not, what relief of service benefits and compensation the above aggrieved workman is entitled to?"

2. The petitioner on receipt of reference aforementioned by this Tribunal for rendition of an award, referred the statement of claim before this Tribunal, wherein he averred that he was engaged by the respondent in the capacity of a daily wage labourer on 1-12-1996 under Barthin Sub-Division Section initially and he continued to work as such up to 31-10-1998 and thereafter, his services were dis-engaged by the respondent by a verbal order. Further more he contended that his service has been retrenched by a verbal order in violation of the provisions of Section 25-F and 25-G of the Industrial Disputes Act, 1947 (herein after referred in short as the Act), which were applicable to him, hence, as his services were dis-engaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he had put in more than 240 days of continuous service with the respondent and he has prayed that his retrenchment be set aside and the respondent be directed to re-engage him with back wages with no break in service.

3. The claim was resisted and contested by the respondent by filing a detailed reply. It is contended by the respondent in the reply that the petitioner never completed more than 240 days of continuous service and in support thereof reliance has been placed on Annexure R-1. It is further contended that the petitioner was engaged as a beldar on daily wages on 1/96 and worked up to 9/98 and thereafter, his services were dis-engaged due to lack of funds as well as due to completion of work. Therefore it is contended that the claimant is not entitled to any relief.

4. On the respective pleadings of the parties following issues were framed for decision on:-

1. Whether the services of the petitioner were terminated by the respondent with effect from September 1998 without complying the provisions of Industrial Disputes Act, 1947, in illegal and unjustified? OPP
2. If issue No. 1 is proved in affirmative, to what service benefits the petitioner is entitled to? OPP
3. Whether the services of the petitioner was terminated, due to completion of work and due to lack of funds, as alleged, if so its effect?.. OPP
4. Relief.
5. For the reasons to be recorded hereinafter my issue wise findings are as under:-

Issue No. 1	No
Issue No. 2	No benefits
Issue No. 3	Not pressed

Relief The petition is dismissed, as per operative part of the Award. The reference is answered accordingly.

REASONS FOR FINDINGS

Issue No. 1 and 2 :

6. Both these issues are inter-connected and hence taken together for discussions and findings.

7. In support of the contents of the statement of claim, the petitioner has relied upon his affidavit, which has been tendered in evidence, as PW 1. So also in proof of the contents in the reply furnished by the respondent, they have relied upon the testimony of RW 1 Shri S. D. Vashist, Assistant Engineer, H. P. P. W. D., Barthin, who has been tendered into evidence Ex. RW 1.

8. The controversy in the instant matter is as to whether there was contravention of the provisions of Section 25-F of the Act, which provisions are extracted herein below:-

"25-F. Conditions precedent to retrenchment of workmen:-

one year under an employer shall be retrenched by that employer until:-

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the official Gazette)".

9. The term continuous service is referred in Section 25-B of the Act, which provisions are extracted herein below:-

"25-B. Definition of continuous service.- for the purposes of this Chapter:-

- (i) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman.
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer.-(
- (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than-
 - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case.
- (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than-
 - (i) ninety-five days, in the case of workman employed below ground in a mine; and
 - (ii) one hundred and twenty days, in any other case".

10. On perusal of the above said provisions of the Act, it is necessary, in order that the claimant is to be afforded/held to be entitled to the benefits of the provisions of Section 25-F of the Act, it is incumbent upon him to establish, by forthright and categorical evidence that he had completed more than 240 days of continuous service with the respondent and that too in the year preceding his retrenchment. In that regard, the claimant has mainly relied upon his testimony, as also his affidavit, bearing Ex. PW 1/1, in which he has alleged contravention of the provisions of Section 25-F of the Act, by the respondent in their alleged illegal Act in verbally retrenching his services, whereas, when he had completed 240 days of continuous service with the respondent in the year preceding his verbal retrenchment, he could have not been

above contents of the affidavit as furnished by the petitioner have not been corroborated by any reliable documentary evidence placed on the record. Rather, in respect of the number of days of service of the workman with the respondent during his period of engagement, under him the respondents have relied upon Ex. RW-1 which is a disclosure on affidavit, by RW-1, of the number of days of continuous service performed by the claimant on a retrenchment. Since Ex. RW-1 has been prepared during the performance of official duties by the respondent, the discharge of his official duties, it enjoys a presumption of truth and only cogent evidence is placed on the record, to impeach its reliability, that, the presumption as available to be drawn as to the propriety of Ex. RW-1, while applying the provisions of Section 35 of the Evidence Act, would be repelled defeated. However, in such evidence, so as, to enable this court to conclude, that presumption of truth enjoyed by Ex. RW-1 while applying the provisions of Section 35 of the Indian Evidence Act to it is negatived, exists on the record, therefore, it is to be concluded with all the more reinforced vigour and strength that Annexure RW-1 contains the truth with respect to the number of days of continuous service performed by the petitioner under the respondent, which, number of days as revealed by annexure RW-1 is less than 240 days, therefore, when the provisions of Section 25-F would apply only when the workman has completed more than 240 days of continuous service with the respondent, as such, therefore, when the petitioner in this case has not completed the mandatory stipulated period of time of continuous service being a condition precedent for its application, with the respondent, in the twelve calendar month preceding his retrenchment obviously, he cannot rely upon the provisions of Section 25-F of the Act, so as to contend that his retrenchment/disengagement by the respondent for want of compliance of the provisions of Section 25-F of the Act, is legally unjustified.

11. It has been contended by the learned counsel for the claimant that since the workman junior to the petitioner continued to be retained in service by the employer subsequent to the alleged illegal retrenchment of the service of the petitioner by the employer, hence, the provisions of Section 25-G of the Act, envisaging the principle of "last come first go" have come to be violated rendering the retrenchment of the claimant void. However, while considering the contention of the Id. counsel for the petitioner, in his canvassing before this Tribunal that the services of the persons contended to be junior to him as retained by the respondents and continued in the service of the respondent has worked transgression of the principle of "Last come First go", however, in the light of the assertions in the reply of the respondents, that, the aforesaid persons are continuing in service with the respondents in pursuance to the orders of the Himachal Pradesh Administrative Tribunal, which have been placed on the record as AR-I, AR-II, AR-III, AR-IV, AR-V and on whose reading, it is apparent that the re-engagement of the aforesaid persons has been ordered by the Himachal Pradesh Administrative Tribunal, as they had completed 240 days of continuous service with the respondent, at the time of their retrenchment by the respondent, whereas, the claimant had not, hence, with the period of continuity of service rendered by the persons contended by the petitioner in his claim petition, to, be junior to him, whose retention is contended to have been in contravention of the provisions of Section 25-G of the Act, in the light of, the number of mandays in service rendered by them under the respondents, on the mere factum of their length of service, longer, than, the service of the petitioner, makes them, senior, the petitioner, as their services came to be retrenched contemporaneously with the retrenchment of the services of the claimant by the respondent, therefore, on that score, too, their longer length of continuity of service makes them senior to the petitioner. Besides, that their services have been re-engaged by the respondent in pursuance to the orders rendered by the Himachal Pradesh Administrative Tribunal, therefore, their engagement, pursuance to the orders of a judicial forum does not leave any scope for this Tribunal to render the findings that their re-engagement was un-warranted or that they had not

completed 240 days of continuous service under the respondents on which score alone their reinstatement, retrenchment was ordered, contrary, to the length of service, as performed by the claimant, which is lesser period of his service under the respondent divests him to claim parity with them, as also the application and consequent violation of the principle of "last come, first go" is not made out. Both these issues are decided accordingly.

Issue No. 3 :

12. The Id. Authorised representative appearing on behalf of the respondent has stated at the Bar that he does not want to press issue No. 3.

13. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. Both the issues are accordingly decided in favour of the respondent and against the petitioner and issue No. 3 is decided as not pressed.

RELIEF

14. In view of my findings on above issues, since, there is no merit in the claim of the petitioner, and therefore, the claim petition being without any merits, is dismissed. The reference is answered accordingly.

15. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to the record room.

Announced on 26-12-2005.

SURESHWAR THAKUR,
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala

Certified Copy 26-12-2005

In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala,
Himachal Pradesh

Reference No. .. 79/2002 (RBT 197/04)

Instituted on .. 4-3-2002

Decided on .. 26-12-2005

Shri Shiv Ram s/o Shri Bansri Ram, Village Dalli,
P. O. Kandror, District Bilaspur, Himachal Pradesh
.. Petitioner.

Vs.

The Executive Engineer, H. P. P. W. D., Division
No. 1, Bilaspur, Himachal Pradesh
Respondent.

"Reference" under Section 10 of the Industrial
Disputes Act, 1947".

For the petitioner .. Shri S. S. Sippy, A. R.

For the respondent .. Shri R. D. Sharma, D. A.

AWARD

1. The hereinafter extracted reference has been received for adjudication before this court:-

"Whether the verbal termination w. e. f. 1-9-1993 of Shri Shiv Ram s/o Shri Bansri Ram, daily wage beldar by the Executive Engineer, H. P. W. D., Division No. 1, Bilaspur, without complying with Section 25-F of the Industrial Disputes Act, 1947, is legal and justified? If not, to what back wages, seniority, service benefit and relief the concerned workman is entitled to?"

2. The petitioner on receipt of a reference aforementioned by this Tribunal for rendition of an award, preferred the statement of claim before this Tribunal,

wherein he averred that he was engaged by the respondent in the capacity of a daily rated beldar on 1-1-1980 and he continued to work as such up to 31-8-1993. However, on 1-9-1993, he averred that his services were dis-engaged by the respondent by a verbal order. Further more, he contended in the statement of claim preferred before this Tribunal that he requested his employer to re-engage him on many occasions, however, his request did not bear any fruit. Also he averred that after his dis-engagement the respondent has engaged in various capacities a number of workmen. Further more he contended that his service as has been retrenched by a verbal order is in violation of provisions of Section 25-F (a), 25-F (b) and 25-G of the Industrial Disputes Act, 1947 (hereinafter referred in short as the Act), which were applicable to him, and since as his services were dis-engaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he put in more than 240 days of continuous service with the respondent and his juniors continue to be retained subsequent to his retrenchment, he has pray that his retrenchment be set aside and the respondent be directed to re-engage him with back wages and seniority.

3. The claim was resisted and contested by the respondent by filing detailed reply, wherein the respondent pleaded that the petitioner was not retrenched and as such, the question of retrenchment compensation does not arise. Further more, it is contended in the reply that the petitioner has never completed 240 days of continuous service with the respondent. The respondent denied all other assertions made by the petitioner in his claim petition and prayed for the dismissal of the claim petition.

4. Rejoinder was filed by the petitioner to the reply of the respondent, wherein the submissions as made by the respondent in the reply are denied and the assertions made by the petitioner were re-asserted.

5. On the respective pleadings of the parties following issues have been struck between the parties at contest:—

1. Whether the service of petitioner was terminated by the respondent w. e. f. 1-9-1993 without complying with the mandatory provisions of Section 25-F of the I. D. Act, and as such the same illegal and un-justified? OPP

2. If issue No. 1 is proved in affirmative, to what service benefits including seniority back wages and compensation the petitioner is entitled to? OPP

3. Relief.

4. For the reasons to be recorded hereinafter my issue wise findings are as under:—

Issue No. 1 .. No as the Reference comprises a stale claim which leads to the inference of abandonment and acquiescence.

Issue No. 2 .. No benefits

Relief .. The petition is dismissed as per operative part of the Award. The reference is answered accordingly.

REASONS FOR FINDINGS

Issue No. 1 and 2 :

7. It is contended at the Bar by the Ld. District Attorney, that, since the Reference comprises a stale claim, it is bad and that accordingly the maintainability of the reference be adjudicated before returning findings on merits. Obviously, when, this Tribunal can afford relief only if the Reference is maintainable, hence, the oral submission of the Ld. District Attorney since it touches upon the maintainability of the Reference, it

8. The claimant has averred his disengagement to have been effected in the year 1993, whereas, it is not borne out by the reply of the respondent, who have contended that the claimant rendered service in the years 1983 and 1985 and thereafter in 1986, 1987 and 1989, which fact, though, has been controverted in the rejoinder, yet, in proof thereof only the bald testimony of the claimant exists, which is insufficient and can not displace the contention in the reply of the respondents and has testified on oath by RW 1, especially, when the records of service have not been summoned, as such, it is at once falsified, accordingly, not warranting the application of the provisions of section 25(f) of the Industrial Disputes Act, as in the relevant twelve calendar months or even in the purported year of his disengagement, no work was performed by him.

9. In support of the above contention as has been advanced before this Tribunal by the ld. counsel appearing for the respondent he has relied upon the interpretation afforded to the provisions of sub-section 1 of Section 10 of the Act, extracted below, by the Hon'ble High Court of Himachal Pradesh, while deciding C. W. P. No. 398 of 2001:—

"(1) Where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time, by order of writing,—

- refer the dispute to a Board for promoting a settlement thereof; or
- refer any matter appearing to be connected with or relevant to the dispute to a court for inquiry ; or
- refer the dispute or any other matter appearing to be connected with or relevant to, the dispute, if it relates to any matter specified in the Second Schedule, to a Labour Court for adjudication; or
- refer the dispute or any matter appearing to be connected with or relevant to the dispute, whether it relates to any matter specified to the Second Schedule or the Third Schedule, to a Tribunal for adjudication".

10. In the verdict rendered by the Hon'ble High Court of Himachal Pradesh in C. W. P. No. 398 of 2001, the Hon'ble High Court of Himachal Pradesh drew the conclusion that the phraseology Sub-section 1 of section 10 of the Act, containing the language "Any dispute exists or apprehended" has a reference and a bearing towards a dispute which is not stale, which would make it so by inordinate lapse of time from the date of its having arisen resulting in the gathering of the conclusion that it is faded.

11. While coming to the conclusions as, drawn by the Hon'ble High Court of Himachal Pradesh on an interpretation of the relevant provisions of sub-section 1 of Section 10 of the Act, the Hon'ble High Court of Himachal Pradesh had relied upon pronouncements contained in AIR 1959 SC 1217, (2000) 1 SCC 371 and (2000) 2 SCC 455, relevant paragraphs of which are extracted herein below:—

"M/s Shalimar Works Limited Vs. Their Workmen (A. I. R. 1959 S. C. 1217) :

"..... It is true that there is limitation prescribed for reference for disputes to an Industrial Tribunal, even so it is only reasonable that dispute should be referred as soon as possible after they have arisen and after conciliation proceedings have failed, particularly so when disputes relate to discharge of workmen wholesale, as in this case. The industry has to carry on and if for any reason there has been a wholesale discharge of workman and closure of the industry followed by its reopening and fresh recruitment of labour, it is necessary that a dispute regarding reinstatement of

his services were dis-engaged by the respondent he contended that his service

for adjudication within a reasonable time. We are of opinion that in this particular case the dispute was not referred for adjudication within a reasonable time as it was left to the Industrial Tribunal more than four year after even re-employment of most of the old workmen. We have also pointed out that it was open to the workmen themselves even individually to apply under S. 33-A in this case; but neither that was done by the workmen nor was the matter referred for adjudication within a reasonable time. In these circumstances, we are of opinion that the tribunal would be justified in refusing the relief of re-instatement to avoid dislocation of the industry and that is the correct order to make".

"National Engineering Industrial Ltd. Vs. State of Rajasthan and others (2000) 1 S C C 371:-

"It will be thus seen that the High Court has jurisdiction to entertain a writ petition when there is an allegation that there is no industrial dispute and none apprehended which could be the subject matter of reference for adjudication to the Industrial Tribunal under Section 10 of the Act. Here it is a question of jurisdiction of the Industrial Tribunal, which could be examined by the High Court in its writ jurisdiction. It is the existence of the Industrial Tribunal *sic* dispute which would clothe the appropriate Government with power to make the reference and the Industrial Tribunal to adjudicate it. If there is no industrial dispute in existence or apprehended the appropriate Government lacks power to make any reference.

Nedungadi Bank Ltd. Vs. K. P. Madhavankutty and others (2000) 2 S C C 455 :

"Law does not prescribe any time limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject matter of reference under Section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made. The only ground advanced by the respondent was that two other employees who were dismissed from service were reinstated. Under what circumstances they were dismissed and subsequently reinstated is nowhere mentioned. Demand raised by the respondent, for raising an industrial dispute was *ex-facie* bad and incompetent.

In the present appeal it is not the case of the respondent that the disciplinary proceedings, which resulted in his dismissal, were in any way illegal or there was even any irregularity. He availed his remedy of appeal under the rules governing his conditions of service. It could not be said that in the circumstances an industrial dispute did arise or

was even apprehended after a lapse of about seven years of the dismissal of the respondent. Whenever a workman raises some dispute it does not become an industrial dispute and the appropriate Government cannot in a mechanical fashion make the reference of the alleged dispute terming it as an industrial dispute. The Government lacked power to make reference both on the ground of delay in invoking the power under Section 10 of the Act and there being no industrial dispute existing or even apprehended. The..... keep industrial peace in an establishment. The reference is..... to peace and defeats the very object and purpose of the Act. The Bank was justified in thus moving the High Court Seeking an order to quash the reference in question".

12. Even, though, the Id. Authorized representative for the petitioner, has, too, echoed his resistance to the applicability of the pronouncements as extracted herein above, and, has sought to fortify his resistance by banking upon a judgment of the Hon'ble Apex Court reported in 2001 (6) S C C 2221 titled "Sapan Kumar Pandit Vs. H. P. S. E. B. and other", to contend that no limitation is prescribed under the Act, however, with the Hon'ble Justice S. B. K. Thakker, while deciding C. W. P. 398/2001, as, is apparent from the reading of the judgment rendered by him, was aware of, the afore relied pronouncement of the Hon'ble Apex Court, and on an incisive analysis of the verdict in Sapan Kumar Pandit's case, postulating a digression by the Hon'ble Apex Court, from the earlier view rendered in Nedungadi Bank Ltd., in, as much as, the distinguishing mark of the deviant view taken by the Hon'ble Apex Court in Sapan Kumar Pandit's case, was the legitimate expectation, entertained by the claimant in that case on an assurance to him by the Management/employer, that, as and when, the benefits were accorded in to similarly situated co-workmen, who, had promptly raised the dispute, through, the workers Union, he, too, would being similarly situated, even, if, he had not preferred a claim, would be afforded parity of treatment with them, hence, his omission to take steps to redress his grievance at the earliest was held not to be fatal. However, the Hon'ble Apex Court did not apart from the distinguishing facts in Sapan Kumar Pandit's case, from Nedungadi Bank Ltd. Case, decided, by it earlier, while, denouncing preferment of stale claim, did not reconsider the ratio decidendi laid by it, in Nedungadi's case, hence, the ratio decidendi in the Nedungadi's case in law remains intact, and is undisturbed save for the salient distinguishing mark in S. K. Pandit's case, which, alone constrained the Hon'ble Apex Court to take a dissimilar view, only on existence of an assurance, received, by the claimant in that case from his employers for re-engagement or by the existence of the some pressing cause, which, precluded him to raise an industrial dispute, which facts, as they existed in S. K. Pandit's case, so, as, to comply with the deviant rule in the said case, from the predominant view in Nedungadi's case, do not exist on the record, of this case, therefore, the ratio decidendi in Nedungadi Bank Ltd., case is applicable to the facts of this case.

13. Bearing in mind the above discussions hinged upon the verdict of the Hon'ble High Court of Himachal Pradesh holding that the belated preferment of claim imbues it with staleness, so, as to render the reference comprising the dispute to be, also, stale, thereby rendering the reference as not maintainable and while keeping in mind the delay and latches as have taken place, since, the retrenchment of the workmen which took place in the year 1989, the reference as has been made of the dispute by the competent authority in the year 2002 is manifestly and palpably belated, especially, when of no explanation or proof of delay thereof exists, hence stale, therefore, on account of staleness of the claim, the claim, as, preferred before this Tribunal, in my view is not maintainable being barred, by delay and latches. Since the staleness of claim has been held to be not keeping the dispute alive, therefore, the conclusion is that the workman has acquiesced in it or a dispute as it then was and

It ought to have been expeditiously canvassed by the workman on account of delay can be said to have been made or faded, so, also, the concomitant effect is that of abandonment can also be made.

14. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. All the issues are accordingly decided in favour of the respondent and against the petitioner.

RELIEF

15. In view of my findings on above issues, since there is no merit in the claim of the petitioner and therefore, the claim is dismissed. The reference for the reasons afore stated is answered, as being not maintainable.

16. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to the record room.

Announced
26-12-2005

SURESHWAR THAKUR,
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified Copy of Award 26-12-2005

In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala,
Himachal Pradesh

Reference No. : 32/2004

R. B. T. No. : 207/04

Instituted on : 10-6-2004

Decided on : 26-12-2005

Shri Sohan Lal son of Shri Haria Ram, Village Dholeg,
P. O. Kalol, District Bilaspur, Himachal Pradesh
.. Petitioner.

Vs.

State of Himachal Pradesh through Secretary, P.W.D.,
Shimla-2.

The Executive Engineer, H. P. P. W. D., Division
Ghumarwin, Bilaspur, Himachal Pradesh .. Respondent.

Reference under Section 10 of the Industrial Disputes
Act, 1947.

For the petitioner : Shri K. K. Sharma, Adv.

For the respondent : Shri R. D. Sharma, D. A.

AWARD

1. The hereinafter extracted reference has been received for adjudication before this court:—

"Whether the termination of services of Shri Sohan Lal son of Shri Haria, Daily wages beldar by Executive Engineer, H. P. P. W. D., Division Ghumarwin, District Bilaspur, Himachal Pradesh w. e. f. September 1998 without complying the provisions of the Industrial disputes Act, 1947 and whereas the junior to him are retained as alleged by the workman is proper and justified? If not, what relief of service benefits the above aggrieved workman is entitled to?"

2. The petitioner on receipt of reference aforementioned by this Tribunal for rendition of an award, preferred the statement of claim before this Tribunal, wherein he averred that he was engaged by the respondent in the capacity of a daily wage labourer in January 1995 under Berthin Sub-Division initially and he continued to work as such up to September, 1998 and thereafter, his services were dis-engaged by the respondent by a retrenchment. It was contended that his service

has been retrenched by a verbal order in violation of the provisions of Section 25-F and 25-G of the Industrial Disputes Act, 1947 (herein after referred in short as the Act), which were applicable to him, hence, as his services were dis-engaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he had put in more than 240 days of continuous service with the respondent and he has prayed that his retrenchment be set aside and the respondent be directed to re-engage him with back wages with no break in service.

3. The claim was resisted and contested by the respondent by filing a detailed reply. It is contended by the respondent in the reply that the petitioner never completed more than 240 days of continuous service and in support thereof reliance has been placed on annexure R-1. It is further contended that the petitioner was engaged as a beldar on daily wages on 1/95 and worked up to 9/98 and thereafter, his services were dis-engaged due to lack of funds as well as due to completion of work. Therefore it is contended that the claimant is not entitled to any relief.

4. On the respective pleadings of the parties following issues were framed for decision on:—

1. Whether the services of the petitioner were terminated by the respondent with effect from 30-9-1998 without complying the provisions of Industrial Disputes Act, 1947, in an illegal and improper manner, as alleged? OPP

2. If issue No. 1 is proved in affirmative, to what service benefits/compensation the petitioner is entitled to? OPP

3. Whether the services of the petitioner were terminated due to completion of work and due to lack of funds as alleged, if so its effect? OPR

4. Relief.

5. For the reasons to be recorded hereinafter my issue wise findings are as under:—

Issue No. 1 .. No

Issue No. 2 .. No benefits

Issue No. 3 .. Not pressed

Relief .. The petition is dismissed as per operative part of the Award. The reference is answered accordingly.

REASONS FOR FINDINGS

Issue No. 1 and 2 :

6. Both these issues are inter-connected and hence taken together for discussions and findings.

7. In support of the contents of the statement of claim, the petitioner has relied upon his affidavit, which has been tendered in evidence, as PW 1. So also in proof of the contentions in the reply furnished by the respondent, they have relied upon the testimony of RW 1 Shri R. C. Gupta, XEN, H. P. P. W. D., Ghumarwin, who has been tendered into evidence Ex. RW 1.

8. The controversy in the instant matter is as to whether there was contravention of the provisions of Section 25-F of the Act, which provisions are extracted herein below:—

"25-F Conditions precedent to retrenchment of workmen:—

No workman employed in any industry who has been in continuous service for not less than

one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the official Gazette)".

9. The term continuous service is referred in Section 25-B of the Act, which provisions are extracted herein below:—

"25-B. Definition of continuous service.—for the purposes of this Chapter:—

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman:—
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer.
 - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case.
 - (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) ninety-five days, in the case of workman employed below ground in a mine; and
 - (ii) one hundred and twenty days, in any other case".

10. On perusal of the above said provisions of the Act, it is necessary, in order that the claimant is to be afforded/held to be entitled to the benefits of the provisions of Section 25-F of the Act, it is incumbent upon him to establish, by forthright and categorical evidence that he had completed more than 240 days of continuous service with the respondent and that too in the year preceding his retrenchment. In that regard, the claimant has mainly relied upon his testimony, as also his affidavit, bearing Ex. PW 1/1, in which he has alleged contravention of the provisions of Section 25-F of the Act, by the respondent in their alleged illegal Act in verbally retrenching his services, whereas, when he had completed 240 days of continuous service with the respondent in the year preceding his verbal retrenchment, he could have not been dis-engaged, without compliance, by the

respondent with the provisions of Section 25 (k) of the Act. However, the above contents of the affidavit as furnished by the petitioner have not been corroborated by any reliable documentary evidence placed on the record. Rather, in respect of the number of days of service of the workman with the respondent during his period of engagement, under him the respondents have relied upon Ex. RW-1 which is a disclosure on affidavit, by RW-1, of the number of days of continuous service performed by the claimant under the respondent. Since Ex. RW-1 has been prepared during the performance of official duties by the respondent or during the discharge of his official duties, it enjoys a presumption of truth and only if cogent evidence is placed on the record, to impeach its reliability, that, the presumption as available to be drawn as to the probative value of Ex. R-1, while, applying the provisions of Section 35 of the Evidence Act, would it be repelled/denied. However, no such evidence, so, as, to, enable this court to conclude that presumption of truth enjoyed by Ex. RW-1 while applying the provisions of Section 35 of the Indian Evidence Act to it is negatived, exists on the record, therefore, it is to be concluded with all the more reinforced vigour and strength that annexure RW-1 contains the truth with respect to the number of days of continuous service performed by the petitioner under the respondent, which, number of days as revealed by annexure R-1/Ex. RW-1 is less than 240 days, therefore, when the provisions of Section 25-F would apply only when the workman has completed more than 240 days of continuous service with the respondent, as such, therefore, when the petitioner in this case has not completed the mandatory stipulated period of time of continuous service being a condition precedent for its application, with the respondent, in the twelve calendar month preceding his retrenchment obviously, he cannot rely upon the provisions of Section 25-F of the Act, so as, to contend that his retrenchment/dis-engagement by the respondent for want of compliance of the provisions of Section 25-F of the Act, is legally unjustified.

11. It has been contended by the learned counsel for the claimant that since the workman junior to the petitioner continued to be retained in service by the employer subsequent to the alleged illegal retrenchment of the service of the petitioner by the employer, hence, the provisions of Section 25-G of the Act, envisaging the principle of "last come first go" have come to be violated rendering the retrenchment of the claimant void. However, while considering the contention of the ld. counsel for the petitioner, in his, canvassing before this Tribunal that the services of the persons contended to be junior to him as retained by the respondents and continued in the service of the respondents has worked transgression of the principle of "Last come First go", however, in the light of the assertions in the reply of the respondents, that, the aforesaid persons are continuing in service with the respondents in pursuance to the orders of the Himachal Pradesh Administrative Tribunal, which have been placed on the record as AR-I, AR-II, AR-III, AR-IV, AR-V and on whose reading, it is apparent that the re-engagement of the aforesaid persons has been ordered by the Himachal Pradesh Administrative Tribunal, as they had completed 240 days of continuous service with the respondent, at the time of their retrenchment by the respondent, whereas, the claimant had not, hence, with the period of continuity of service rendered by the persons contended by the petitioner in his claim petition, to, be junior to him, whose retention is contended to have been in contravention of the provisions of Section 25-G of the Act, in the light of, the number of mandays in service rendered by them under the respondents, on the mere factum of their length of service, longer, than, the service of the petitioner, makes them, senior, to, the petitioner, as their services came to be retrenched contemporaneously with the retrenchment of the services of the claimant by the respondent, therefore, on that score, too, their longer length of continuity of service makes them senior to the petitioner. Besides, that their services have been re-engaged by the respondent in pursuance to the orders rendered by the Himachal Pradesh Administrative Tribunal, therefore, their re-engagement, pursuance to the orders of a judicial forum does not leave

any scope for this Tribunal to render the findings that their re-engagement was un-warranted or that they had not completed 240 days of continuous service under the respondents on which score alone their reinstatement, retrenchment was ordered, contrary, to the length of service, as performed by the claimant, which is lesser period of his service under the respondent divests him to claim parity with them, as also the application and consequent violation of the principle of 'last come, first go' is not made out. Both these issues are decided accordingly.

Issue No. 3 :

12. The Id. Authorised representative appearing on behalf of the respondent has stated at the Bar that he does not want to press issue No. 3.

13. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. Both the issues are accordingly decided in favour of the respondent and against the petitioner and issue No. 3 is decided as not pressed.

RELIEF

14. In view of my findings on above issues, since, there no merit in the claim of the petitioner, and therefore, the claim petition being without any merits, is dismissed. The reference is answered accordingly.

15. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to the record room.

Announced. on 26-12-2005.

SURESHWAR THAKUR,

*Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.*

Certified Copy of award 26-12-2005

In the Court of Shri Sureshwar Thakur, Presiding Judge
Labour Court-cum-Industrial Tribunal, Dharamshala
Himachal Pradesh

Reference No. .. 28/2004
R. B. T. .. 208/04
Instituted on .. 10-6-2004
Decided on .. 26-12-2005

Shri Fauzu Ram s/o Shri Fatta Ram, Village Dholeg,
P. O. Kalol, District Bilaspur, Himachal Pradesh

.. Petitioner.

Vs.

State of Himachal Pradesh through Secretary, P.W.D.,
Shimla-2.

The Executive Engineer, H. P. P. W. D., Division
Ghumarwin, Bilaspur, Himachal Pradesh. .. Respondent.

"Reference under Section 10 of the Industrial
Disputes Act, 1947"

For the petitioner .. Shri K. K. Sharma, Adv.
For the respondent .. Shri R.D. Sharma, D.A.

AWARD

1. The hereinafter extracted reference has been received for adjudication before this court:—

"Whether the termination of services of Shri Fauzu Ram s/o Shri Fatta Ram daily wages beldar by Executive Engineer, H. P. P. W. D., Division Ghumarwin, District Bilaspur, Himachal Pradesh w. e. f. September 1998 without complying the provisions of the Industrial disputes Act, 1947 and whereas the junior to him are retained as alleged by the workman is proper and just—

2. The petitioner on receipt of reference aforementioned by this Tribunal for rendition of an award, preferred the statement of claim before this Tribunal, where in he averred that he was engaged by the respondent in the capacity of a daily wage labourer in January 1995 under Berthin Sub-Division initially and he continued to work as such up to September, 1998 and thereafter, his services were dis-engaged by the respondent by a verbal order. Further more he contended that his service has been retrenched by a verbal order in violation of the provisions of Section 25-F and 25-G of the Industrial Disputes Act, 1947 (herein after referred in short as the Act), which were applicable to him, hence, as his services were dis-engaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he had put in more than 240 days of continuous service with the respondent and he has prayed that his retrenchment be set aside and the respondent be directed to re-engage him back wages with no break in service,

3. The claim was resisted and contested by the respondent by filing a detailed reply. It is contended by the respondent in the reply that the petitioner never completed more than 240 days of continuous service and in support thereof reliance has been placed on annexure R-1. It is further contended that the petitioner was engaged as a beldar on daily wages on 1/95 and worked up to 9/98 and thereafter, his services were dis-engaged due to lack of funds as well as due to completion of work. Therefore it is contended that the claimant is not entitled to any relief.

4. On the respective pleadings of the parties following issues were framed for decision on:—

1. Whether the services of the petitioner were terminated by the respondent with effect from September 1998 without complying the provisions of Industrial Disputes Act, 1947, in an illegal and improper manner, as alleged ?
OPP
2. If issue No. 1 is proved in affirmative, to what service benefits/compensation the petitioner is entitled to ?
OPP
3. Whether the services of the petitioner were terminated due to completion of work and due to lack of funds as alleged, if so its effect ?
OPR

4. Relief.

5. For the reasons to be recorded hereinafter my issue wise findings are as under:—

Issue No. 1 .. No
Issue No. 2 .. No benefits.
Issue No. 3 .. Not pressed.
Relief .. The petition is dismissed as per operative part of the Award. The reference is answered accordingly.

REASONS FOR FINDINGS

Issue No. 1 and 2 :

6. Both these issues are inter-connected and hence taken together for discussions and findings.

7. In support of the contents of the statement of claim, the petitioner has relied upon his affidavit, which has been tendered in evidence, as PW 1. So also in proof of the contentions in the reply furnished by the respondent, they, have relied upon the testimony of RW-1 Shri R. C. Gupta, XEN, H. P. P. W. D. Ghumarwin, who has been tendered into evidence Ex. RW-1.

8. The controversy in the instant matter is as to whether there was contravention of the provisions of Section 25-F of the Act, which provisions are extracted herein below:—

"25-F Conditions precedent to retrenchment of workmen :—

one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the official Gazette)".

9. The term continuous service is referred in Section 25-B of the Act, which provisions are extracted herein below:—

"25-B Definition of continuous service.—for the purposes of this Chapter:—

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer.—
 - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case.
 - (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) ninety-five days, in the case of workman employed below ground in a mine; and
 - (ii) one hundred and twenty days, in any other case".

10. On perusal of the above said provisions of the Act, it is necessary, in order that the claimant is to be afforded/held to be entitled to the benefits of the provisions of Section 25-F of the Act, it is incumbent upon him to establish, by forthright and categorical evidence that he had completed more than 240 days of continuous service with the respondent and that too in the year preceding his retrenchment. In that regard, the claimant has mainly relied upon his testimony, as also his affidavit, bearing Ex. PW 1/1, in which he has alleged contravention of the provisions of Section 25-F of the Act, by the respondent in their alleged illegal Act in verbally retrenching his services, whereas, when he had completed 240 days of continuous service with the respondent in the year preceding his verbal retrenchment, he could not been dis-engaged, without compliance, by the respondent with the provisions of Section 25 (1) of the Act. However, the above contents of the affidavit as furnished by the petitioner have not been corroborated by any reliable documentary evidence placed on the record. Rather, in respect of the number of days of service of the workman

with the respondent during his period of engagement, under him, the respondents have relied upon Ex. RW-1 which is a disclosure on affidavit, by RW-1, of the number of days of continuous service performed by the claimant under the respondent. Since Ex. RW-1 has been prepared during the performance of official duties by the respondent or during the discharge of his official duties, it enjoys a presumption of truth and only if cogent evidence, is placed on the record, to impeach its reliability, that, the presumption as available to be drawn as to the probative value of Ex. R-1, while, applying the provisions of Section 35 of the Evidence Act, would it be repelled. However, no such evidence, so as, to enable this court to conclude that presumption of truth enjoyed by Ex. RW 1 while applying the provisions of Section 35 of the Indian, Evidence Act to it is negated, exists on the record, therefore, it is to be concluded with all the more reinforced vigour and strength that Annexure RW-1 contains the truth with respect to the number of days of continuous service performed by the petitioner under the respondent, which, number of days as revealed by annexure R-1/Ex. RW-1 is less than 240 days, therefore, when the provisions of Section 25-F would apply only when the workman has completed more than 240 days of continuous service with the respondent, as such, therefore, when the petitioner in this case has not completed the mandatory stipulated period of time of continuous service being a condition precedent for its application, with the respondent, in the twelve calendar month preceding his retrenchment obviously, he cannot rely upon the provisions of Section 25-F of the Act, so as to contend that his retrenchment/dis-engagement by the respondent for want of compliance of the provisions of Section 25-F of the Act, is legally unjustified.

11. It has been contended by the learned counsel for the claimant that since the workmen junior to the petitioner continued to be retained in service by the employer subsequent to the alleged illegal retrenchment of the service of the petitioner by the employer, hence, the provisions of Section 25-G of the Act, envisaging the principle of "last come first go" have come to be violated rendering the retrenchment of the claimant void. However, while considering the contention of the ld. counsel for the petitioner, in his, canvassing before this Tribunal that the services of the persons contended to be junior to him as retained by the respondents and continued in the service of the respondents has worked transgression of the principle of "Last come First go", however, in the light of the assertions in the reply of the respondents, that, the aforesaid persons are continuing in service with the respondents in pursuance to the orders of the Himachal Pradesh Administrative Tribunal, which has been placed on the record as AR-1, AR-II, AR-III, AR-IV, AR-V and on whose reading, it is apparent that the re-engagement of the aforesaid persons has been ordered by the Himachal Pradesh Administrative Tribunal, as they had completed 240 days of continuous service with the respondent, at the time of their retrenchment by the respondent, whereas, the claimant had not, hence, with the period of continuity of service rendered by the persons contended by the petitioner in his claim petition, to be junior to him, whose retention is contended to have been in contravention of the provisions of Section 25-G of the Act, in the light of, the number of mandays in service rendered by them, under the respondents, on the micro factum of their length of service, longer, than, the service of the petitioner, makes them, senior, to, the petitioner, as their services came to be retrenched contemporaneously with the retrenchment of the services of the claimant by the respondent, therefore, on that score, too, their longer length of continuity of service makes them senior to the petitioner. Besides, that their services have been re-engaged by the respondent in pursuance to the orders rendered by the Himachal Pradesh Administrative Tribunal, therefore, their re-engagement pursuant to the orders of a judicial forum does not leave any scope for this Tribunal to render the findings that their re-engagement was unwarranted or that they had not completed 240 days of continuous service under the respondents on which score alone their reinstatement, re-engagement was ordered, contrary, to the length of service, as performed by the claimant, which is lesser period of his service under the respondent divests him to claim parity with

the, as also the application and convenient violation of the principle of "last come, first go" is not made out. Both these issues are decided accordingly.

Issue No. 3 :

12. The 1d. Authorized representative appearing on behalf of the respondent has stated at the Bar that he does not want to press issue No. 3.

13. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. Both the issues are accordingly decided in favour of the respondent and against the petitioner and issue No. 3 is decided as not pressed.

RELIEF

14. In view of my findings on above issues, since, there no merit in the claim of the petitioner, and therefore, the claim petition being without any merits, is dismissed. The reference is answered accordingly.

15. Let a copy of this award be sent to the appropriate Government for publication in the official gazette. The file after completion be consigned to the record room.

Announced on 26-12-2005.

Seal. **SURESHWAR THAKUR,**
Presiding Judge,
Labour Court-cum-Industrial Tribunal,
Dharamshala.

Certified Copy of Award 26-12-2005

In the Court of Shri Sureshwar Thakur, Presiding Judge,
Labour Court-cum-Industrial Tribunal, Dharamshala,
Himachal Pradesh

Reference No. .. 26/2004
R. B. T. No. .. 211/04
Instituted on .. 10-6-2004
Decided on .. 26-12-2005

Shri Roshan Lal s/o of Shri Roop Lal, Village Kharian,
P. O. Kalol, District Bilaspur, Himachal Pradesh .. Petitioner.

Vs.

State of Himachal Pradesh through Secretary H. P. P.
W. D., Shimla-2.

The Executive Engineer, H. P. P. W. D. Division,
Ghumarwin, Bilaspur, Himachal Pradesh .. Respondent

"Reference under Section 10 of the Industrial Disputes
Act, 1947"

For the petitioner .. Shri K. K. Sharma, Adv.
For the respondent .. Shri R. D. Sharma, D. A.

AWARD

1. The hereafter extracted reference has been received for adjudication before this court:—

"Whether the termination of services of Shri Roshan Lal s/o Shri Roop Lal daily wages beldar by Executive Engineer, H. P. P. W. D. Division Ghumarwin, District Bilaspur, Himachal Pradesh w. e. f. March, 1998 without complying the provisions of the Industrial disputes Act, 1947 and whereas the junior to him are retained as alleged by the workman is proper and justified? If not, what relief of service benefits the above aggrieved workman is entitled to?"

2. The petitioner on receipt of reference aforementioned by this Tribunal for rendition of an award, preferred the statement of claim respondent in the capacity of a daily wage labourer under Berthin Sub-Division

initially in 1993 and he continued to work as such up to February 1998 and thereafter, his services were dis-engaged by the respondent by a verbal order. Further more he contended that his service has been retrenched by a verbal order in violation of the provisions of Section 25-F and 25-G of the Industrial Disputes Act, 1947 (herein after referred in short as the Act), which were applicable to him, hence, as his services were dis-engaged by the respondent in contravention of the aforesaid provisions of law, which were applicable to him, as he had put in more than 240 days of continuous service with the respondent and he has prayed that his retrenchment be set aside and the respondent be directed to re-engage him with back wages with no break in service.

3. The claim was resisted and contested by the respondent by filing a detailed reply. It is contended by the respondent in the reply that the petitioner never completed more than 240 days of continuous service and in support thereof reliance has been placed on annexure R-1. It is further contended that the petitioner was engaged as a beldar on daily wages on 1/93 and worked upto 3/98 and thereafter, his services were dis-engaged due to lack of funds as well as due to completion of work. Therefore it is contended that the claimant is not entitled to any relief.

4. On the respective pleadings of the parties following issues were framed for decision on:—

1. Whether the services of the petitioner were terminated by the respondent with effect from March 1998 without complying the provisions of Industrial Disputes Act, 1947, in an illegal and improper manner, as alleged? **OPP**
2. If issue No. 1 is proved in affirmative, to what service benefits/compensation the petitioner is entitled to? **OPP**
3. Whether the services of the petitioner were terminated due to completion of work and due to lack of funds as alleged, is so its effect? **OPR**
4. Relief.
5. For the reasons to be recorded hereinafter my issue wise findings are as under:—

Issue No. 1 .. No
Issue No. 2 .. No benefits
Issue No. 3 .. Not pressed
Relief .. The petition is dismissed as per operative part of the Award. The reference is answered accordingly

REASONS FOR FINDINGS

Issue No. 1 and 2 :

6. All the issues are inter-connected and hence taken together for discussions and findings.

7. In support of the contents of the statement of claim, the petitioner has relied upon his affidavit, which has been tendered in evidence, as PW-1. So also in proof of the contentions in the reply furnished by the respondent, they have relied upon the testimony of RW-1 Shri R. C. Gupta, XEN, H. P. P. W. D. Ghumarwin, who as tendered into evidence Ex. RW-1

8. The controversy in the instant matter is as to whether there was contravention of the provisions of Section 25-F of the Act, which provisions are extracted herein below:—

"25-F Conditions precedent to re-employment of workmen:

No workman employed in any industry who has been in continuous service for not less than one

year under an employer shall be retrenched by that employer until:

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate government (or such authority as may be specified by the appropriate government by notification in the official Gazette.)"

9. The term continuous service is referred in Section 25-B of the Act, which provisions are extracted herein below:-

"25-B. Definition of continuous service.—For the purposes of this Chapter:—

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock out or a cessation of work which is not due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer:—
 - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than:—
 - (a) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case.
 - (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (b) ninety-five days, in the case of workman employed below ground in a mine; and
 - (ii) one hundred and twenty days, in any other case."

10. On perusal of the above said provisions of the Act, it is necessary, in order that the claimant is to be afforded/held to be entitled to the benefits of the provisions of Section 25-F of the Act, it is incumbent upon him to establish, by forthright and categorical evidence that he had completed more than 240 days of continuous service with the respondent and that too in the year preceding his retrenchment. In that regard, the claimant has mainly relied upon his testimony, as also his affidavit, bearing Ex. PW 1/1, in which he has alleged contravention of the provisions of Section 25-F of the Act, by the respondent in their alleged illegal Act in verbally retrenching his services, whereas, when he had completed 240 days of continuous service with the respondent in the year

preceding his verbal retrenchment, he could have been dis-engaged, without compliance, by the respondent with the provisions of Section 25 (F) of the Act. However, the above contents of the affidavit as furnished by the petitioner have not been corroborated by any reliable documentary evidence placed on the record. Rather, in respect of the number of days of service of the workman with the respondent during his period of engagement, under him the respondents have relied upon Ex. RW-1 which is a disclosure on affidavit, by, RW 1, of, the number of days of continuous service performed by the claimant under the respondent. Since Ex. RW-1 has been prepared during the performance of official duties by the respondent or during the discharge of his official duties, it enjoys a presumption of truth and only if cogent evidence is placed on the record to impeach its reliability, that, the presumption as available to be drawn as to the probative value of Ex. RW-1, while, applying the provisions of Section 35 of the Evidence Act, would it be repelled/defeated. However, no such evidence, so as, to, enable this court to conclude that presumption of truth enjoyed by Ex. RW 1 while applying the provisions of Section 35 of the Indian Evidence Act to it is negated, exists on the record, therefore, it is to be concluded with all the more reinforced vigour and strength that annexure RW 1 contains the truth with respect to the number of days of continuous service performed by the petitioner under respondent, which, number of days as revealed by Annexure R-1/Ex. RW 1 is less than 240 days, therefore, when the provisions of Section 25-F would apply only when the workman has completed more than 240 days of continuous service with the respondent, as such, therefore when the petitioner in this case has not completed the mandatory stipulated period of time of continuous service being a condition precedent for its application, with the respondent, in the twelve calendar month preceding his retrenchment obviously, he cannot rely upon the provisions of Section 25-F of the Act, so as to contend that his retrenchment/dis-engagement by the respondent for want of compliance of the provisions of Section 25-F of the Act, is legally un-justified.

11. It has been contended by the learned counsel for the claimant that since the workman junior to the petitioner continued to be retained in service by the employer, subsequent to the alleged illegal retrenchment of the service of the petitioner by the employer, hence, the provisions of Section 25-G of the Act, envisaging the principle of "last come first go" have come to be violated rendering the retrenchment of the claimant void. However, while considering the contention of the ld. counsel for the petitioner, in his canvassing before this Tribunal that the services of the persons contended to be junior to him as retained by the respondents and continued in the service of the respondents has worked transgression of the principle of "Last come First go", however, in the light of the assertions in the reply of the respondents, that, the aforesaid persons are continuing in service with the respondents in pursuance to the orders of the Himachal Pradesh Administrative Tribunal, which have been placed on the record as AR-I, A-R-II, AR-III, AR-IV, AR-V and on whose reading, it is apparent that the re-engagement of the aforesaid persons has been ordered by the Himachal Pradesh Administrative Tribunal, as they had completed 240 days of continuous service with the respondent, at the time of their retrenchment by the respondent, whereas, the claimant had not, hence, with the period of continuity of service rendered by the persons contended by the petitioner in his claim petition, i.e., be junior to him, whose retention is contended to have been in contravention of the provisions of Section 25-G of the Act, in the light of, the number of mandays in service rendered by them under the respondents, on the mere factum of their length of service, longer, than, the service of the petitioner, makes them, senior, to, the petitioner, as their services came to be retrenched contemporaneously with the retrenchment of the services of the claimant, by the respondent, therefore, on that score, too, their longer continuity of service makes them senior to the petitioner. Besides, that their services have been re-engaged by the respondent in pursuance to the orders rendered by the Himachal Pradesh Administrative Tribunal, therefore, their re-engagement pursuant to the orders of a judicial forum does not leave any scope for this Tribunal to read

the findings that their re-engagement was un-warranted that they had not completed 240 days of continuous service under the respondents on which score alone their reinstatement, retrenchment was ordered, contrary, to the length of service, as performed by the claimant, which is lesser period of his service under the respondent divests him to claim parity with them, as also the application and consequent violation of the principle of 'last come first go' is not made out. Both these issues are decided accordingly.

Issue No. 3 :

12. The Id. Authorised representative appearing on behalf of the respondent has stated at the Bar that he does not want to press issue No. 3.

13. In the light of above discussions, there is no merit in the claim of the claimant, therefore, the claim is dismissed. Both the issues are accordingly decided in favour of the respondent and against the petitioner and issue No. 3 is decided as not pressed.

RELIEF

15. In view of my findings on above issues, since, there no merit in the claim of the petitioner, and therefore, the claim petition being without any merits, is dismissed. The reference is answered accordingly.

16. Let a copy of this award be sent to the appropriate government for publication in the official gazette. The file after completion be consigned to the record room.

Announced on 26-12-2005.

Scd. SURESHWAR THAKUR,
Presiding Judge,
Labour Court-cum-Industrial Tribunal
Dharamshala.

बहुदलीय परियोजनाएं एवं विद्युत आपा

प्रधिसूचनाएं

शिमला-2, 27 नवम्बर, 2006

संख्या विद्युत-छ(5)-28/2005.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत बोर्ड, जो कि भूमि धर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी० डी०) के अन्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने व्यवसायिक प्रयोजन हेतु नामक: मुहाल चुल्हा, तुलाह, पट्टा, तहसील नहमोल, जिला मण्डी, मुहाल जाहनु, मठो मकरीडी, मडयाहा, समखेत, समोहली, हाडी दराहल, मतकेहड, भलमरा, बलाहल, उवा खुर, तहसील जोगिन्दरनगर, जिला मण्डी, हिमाचल प्रदेश में 132 की० बी० संघार लाईन्स चुल्हा से बस्ती तक के निर्माण हेतु भूमि धर्जन करने में सक्षम है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त एरिअर में जैसा कि नीचे विवरणों में निदिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का धर्जन किया है।

अधिनियम, 1894 के अनुच्छेद 6 के अन्तर्गत के विस्तारों के लिए यह अधिसूचना जारी की जाती है।
3. भूमि का रेवेन्यू भूयजन समाहर्ता, हि० प्र० राज्य विद्युत बोर्ड, मण्डी, जिला मण्डी (हि० प्र०) के कार्यालय में निरीक्षण किया जा सकता है।

विज्ञा : मण्डी		विवरण		तहसील : नहमोल	
गांव	खसरा नं०	रकबा (बोर्षों में)			
1	2	3			
चुल्हा-209					
	591	0 01 02			
	590/1	0 01 02			
	589/1	0 00 05			
	609/1	0 00 12			
	5867/625/1	0 00 19			
	718/1	0 00 10			
	719	0 01 13			
	725/1	0 00 05			
	713/1	0 02 02			
	5869/5788/1	0 05 00			
	5808/5782/1	0 04 01			
किता .. 11		0 17 11			
तुलाह-213					
	990/1	0 04 01			
	1292	0 02 06			
	1293/1	0 00 08			
	1291/1	0 01 17			
किता .. 4		0 08 12			
पट्टा-198					
	576/1	0 01 19			
	575/1	0 00 15			
	614/1	0 01 15			
	613/1	0 02 09			
किता .. 4		0 06 18			
नहमील : जोगिन्दरनगर					
	58/2	0 01 13			
	59/2	0 03 06			
	68/1	0 01 02			
	343/1	0 01 16			
	344/1	0 02 05			
	424/1	0 04 01			
किता .. 6		0 14 03			
मठो मकरीडी-232					
	2160/1672/1	0 04 01			
	535	0 00 14			
	536/1	0 00 17			
	537	0 01 04			
	544	0 01 01			
	539/1	0 00 11			
	545/2	0 01 12			
	542/1	0 00 03			
किता .. 8		0 10 13			
भडयाहा चुल्हा-266					
	17/1	0 05 00			
किता .. 1		0 05 00			
समखेत-265					
	65/1	0 05 00			
किता .. 1		0 05 00			
समहोली-274					
	1634/1	0 01 08			
	1685/1	0 00 10			
	1720/1	0 00 15			
	1683	0 00 14			
किता .. 4		0 03 07			
हाडी दराहल-273					
	2395/1	0 01 08			
	2396/1	0 03 12			
किता .. 2		0 05 00			

1	2	3	
मनकेहट्ट-277	573/1 575/1 534/1 59/1	0 00 16 0 02 08 0 02 08 0 03 04	
किता .. 4		0 08 16	
प्रदमरा-317	335/1 355/1	0 02 08 0 00 02	
किता .. 2		0 04 10	
चत्ताहरग-318	2451/1 2449/1 2372/1 2373/1 3001/2457/1 3020/1132/1 1083/1	0 01 18 0 02 00 0 01 12 0 01 12 0 04 01 0 04 10 0 04 01	
किता .. 7		0 19 14	
मनोह-344	527/1 521/1 453/1 479/1 480/1 481/1	0 03 04 0 02 16 0 00 16 0 00 14 0 00 14 0 00 16	
किता .. 6		0 09 00	
बुदर-330	896/1 897/1 888/1 912/1	0 01 05 0 03 14 0 00 16 0 03 04	
किता .. 4		0 08 19	
कुल किता .. 64		6 06 13	

शिमला-2, 28 नवम्बर, 2006

संख्या विद्युत-छ (5)-29/2006.--यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत बोर्ड जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी0 सी0) के अन्तर्गत एक सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने धन्य पर सार्वजनिक प्रयोजन हेतु नामतः मुहाल सगरोट, तहसील लडमडोल, जिला मण्डी, हिमाचल प्रदेश में ऊहल जन विद्युत परियोजना तृतीय चरण के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है, कि उक्त परिशेख जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हैं या हो सकते हैं, की जानकारी के लिए भू-अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रत्यक्ष शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को दलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने और उस धारा द्वारा प्रेषित अधिसूचना गयी अन्य कार्यों को करने के लिए महत्व प्राधिकार देते हैं।

4. कोई भी शिष्टव्यक्ति जिस उक्त परिशेख में कथित भूमि के अर्जन पर कोई आपत्ति हो वह इस अधिसूचना के प्रकाशित होने के 30 दिनों की अवधि के भीतर निश्चित तरी में भू-अर्जन समझौता, दि0 प्र0 राज्य विद्युत बोर्ड, मण्डी, जिला मण्डी, हिमाचल प्रदेश के समक्ष अपनी आपत्ति दायर कर सकता है।

जिला : मण्डी	खसरा नं०	तहसील : मण्डी
गोब	302	0 08 16
मण्डोल		

शिमला-2, 28 नवम्बर, 2006

संख्या विद्युत-छ (5)-14/2006.--यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत बोर्ड जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी0 सी0) के अन्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने धन्य पर सार्वजनिक प्रयोजन हेतु नामतः मुहाल सगरोट, तहसील मण्डी, जिला मण्डी, हिमाचल प्रदेश में 132 क0 बी0 संचार लाईन ग्राम से गुरोट तक के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है, कि उक्त परिशेख में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों के लिए यह घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन समझौता, हिमाचल प्रदेश राज्य विद्युत बोर्ड, मण्डी, हिमाचल प्रदेश को उक्त भूमि के अर्जन के लिए आदेश देने का एतद्वारा निर्देश दिया जाता है।

3. भूमि का रेखांक भू-अर्जन समझौता, हिमाचल प्रदेश राज्य विद्युत बोर्ड, मण्डी, जिला मण्डी, हिमाचल प्रदेश के कार्यालय में निरोक्षण किया जा सकता है।

जिला : ऊना	खसरा नं०	तहसील : ग्राम
गोब	खसरा नं०	क्षेत्र (सेंटियर में)
1	2	3
ग्राम खास	1567/1 1523/1 1283/2/4/5/1 1025/1	0 01 44 0 01 44 0 01 44 0 01 44
हीरानगर	1941/1/1 78/1	0 01 44 0 01 44
ग्राम	1320/1 1289/1 1265/1 90/1	0 01 90 0 01 44 0 02 64 0 01 90
कलरुही	527/1 726/1 751/1 753/1 883/1 884/1 1062/1 1014/1/1	0 01 44 0 01 44 0 01 44 0 01 44 0 01 44 0 01 44 0 01 44 0 01 44
मुबारिकपुर	2320/1 2283/1	0 01 44 0 01 44
उप-मुहाल रामनगर	1868/1	0 01 44
मुहाल गुरोट	100/1 70/1	0 01 44 0 01 44
कुल किता .. 23		0 01 24

प्रदेश द्वारा,

हस्ताक्षरित/
प्रधान सचिव

MPP AND POWER DEPARTMENT

NOTIFICATION

Shimla-2, the 28th November, 2006

No. MPP-B (13)-197.—The Governor, Himachal Pradesh is pleased to appoint Er. Inderjeet Chopra, Sr. Executive Engineer (E) H. P. State Electricity Board

as Electrical Inspector in the Office of Chief Electrical Inspector, Himachal Pradesh, Shimla-171009 on secondment basis in public interest on usual terms and conditions of secondment and instructions of the Government in this regard, with immediate effect.

By order.

Sd/-
Principal Secretary.

भाग 2—वैधानिक नियमों को छोड़कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिमूचनाएं इत्यादि

HIMACHAL PRADESH ELECTRICAL INSPECTORATE

OFFICER ORDER

Shimla-9, the 1st December, 2006

No. HIMVINI/A-3 06-11028-36.—Er. I. J. Chopra, Assistant Electrical Inspector who is functioning as Head of office and Drawing and Disbursing Officer in respect of Major Head "2045—Other Taxes and Duties on Commodities and Services, 103—Collection Charges Electricity Duty, 01—Electrical Inspectorate has now been promoted as Sr-Executive Engineer and appointed Electrical Inspector vide Principal Secretary (Power) to Himachal Pradesh Government letter No. MPP-B(13)-1/97 dated 29-11-2006 (copy enclosed) in this office. It is hereby ordered that the above named officer on his promotion as Electrical Inspector shall continue to hold the charge of D.D.O. and Head of Office in respect of above head of account of staff of the o/o Chief Electrical Inspector, Himachal Pradesh. Shimla-171 009.

Er. I. J. Chopra, Electrical Inspector will also continue to function as Controlling Officer for T. A. & Medical Reimbursement and other contingencies in respect of Class-III & IV employees of this department.

Er. DALJEET SINGH,
Chief Electrical Inspector.
H. P. B. No. 29, SDA Complex,
Shimla-171 009.

ELECTION DEPARTMENT

NOTIFICATION

Shimla-171 009, the 27th November, 2006

No. 2-16/97-ELN.—In exercise of the powers vested under amended rules 1.17 and 1.26 of H. P. Financial Rules 1971, Vol.-I, read with rule 2.16 of H.P. Budget Manual 1971 and Finance (Regulation) Department's Notification No. Fin. (C) A (2)-2/99, dated 20th September, 1999, I hereby declare Naib-Tehsildar (Election) (Gazetted), Mandi as "Drawing and Disbursing Officer" in respect of following heads of accounts in respect of Mandi district w.e.f. 25th November, 2006 till the join-

ing/assumption of charge by Tehsildar (Election) Mandi:—

1. 2015—Elections (Non-Plan) Voted;
2. 0070—Other Administrative Services
02—Elections-800-Other receipt;
3. 2235—Social Security and Welfare;
4. 2071—Pension and Other retirement benefits;
5. 7610—Loans to Government Servants;
6. 8005—State Provident Fund;
7. 8011—Insurance and Pension Fund; and
8. 8658—Suspense Account (Pap roll saving scheme).

I further declare that Naib-Tehsildar (Election) Mandi shall also function as "Controlling Officer" in respect of all the Staff of Election Department posted in Mandi district and also for Class I, II, III and IV employees of various Departments deployed for revision of electoral rolls, Issuance of Photo Identity Cards to Voters and conduct of Lok Sabha and Vidhan Sabha elections in Mandi district for the purpose of "TRAVELLING ALLOWANCE".

I further declare the District Election Officer (DC), Mandi as Controlling Officer for the purpose of contingencies.

By order,

MANISHA NANDA,
Chief Electoral Officer.

CERTIFICATE OF TRANSFER OF CHARGE

FORM T. R.-I

Shimla, the 2nd December, 2006

No. P-1 (2)-BST (JDP)/2004-38262-66.—Certified that I have in the forenoon of this day the 1st December, 2006 assumed the charge of the office of the Joint Director (Prosecution), Police Hdqrs., Shimla-2 in pursuance to Notification No. Home (Prose) B (6) 3/06 dated 28-11-2006, vide which the undersigned has been transferred from Directorate of Prosecution and posted in Police Hdqrs. Shimla.

BALBIR SINGH THAKUR,
Joint Director (Prosecution).
Police Headquarters, Shimla-2.

भाग-3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल हिमाचल प्रदेश हाई कोर्ट, फाईनेंशियल कमिशनर तथा कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि

वन विभाग

अधिमूचना

शिमला-171 002, 10 नवम्बर, 2006

संख्या एफ 00फ 0ई 0-ए (बी) 2-7/2001.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश वन विभाग में अधीक्षक ग्रेड-I, (बर्ग-I, राजपदित) के पद के लिए इस सूचना से संलग्न उपाक्षेप "क" के अनुसार भर्ती और प्रोन्नति नियम बनाते हैं, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश वन विभाग अधीक्षक ग्रेड-I (बर्ग-I, राजपदित) के भर्ती एवं प्रोन्नति नियम, 2006 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. निरसन और व्यावृत्तियां.—(1) वन विभाग की अधिमूचना संख्या 1-63/69, एसएफ (स्वा) तारीख 28-11-1970 द्वारा अधिसूचित और समय-समय पर संशोधित मुख्य अधिनियम, हि 0 प्र 0 के कार्यालय में अधीक्षक, बर्ग-II, (राजपदित) के पद के भर्ती एवं प्रोन्नति नियम का एवम् द्वारा निरसन किया जाता है।

(2) ऐसे निरसन के होते हुए भी, उपर्युक्त नियम 2 (1) के अधीन इस प्रकार निरस्त नसंगत नियमों के अधीन की गई कोई भी नियुक्ति, बात या कार्रवाई इन नियमों के अधीन विधि मान्य रूप में की गई समझी जाएगी।

आदेश द्वारा,

हस्ताक्षरित/-
प्रधान सचिव (वन)।

उपाय "क"

हिमाचल प्रदेश वन विभाग में प्रयोक्ता ग्रेड-1 (वन-1, राजपत्रित) के पद के लिए भर्ती और प्रोन्नति नियम

1. पद का नाम : प्रयोक्ता, ग्रेड-1
2. पदों की संख्या : 23 (तीस)
3. वर्गीकरण : वन-1 (राजपत्रित)
4. चयनमान : रुपये 7200-220-8100-275-10300-340-11660.
5. चयन पद प्रथम प्रत्यक्ष चयन पर : अनपेक्षित
6. सीधी भर्ती के लिए लागू : लागू नहीं
7. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए प्रयोजित न्यूनतम शैक्षणिक और अन्य अर्हताएं : लागू नहीं
8. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए विहित प्रागु और शैक्षणिक अर्हताएं : प्रत्याभूति (व्यक्तियों) की दृष्टि में लागू होगी या नहीं ?
9. परीक्षा की अवधि, यदि कोई हो : दो वर्ष, जिसका एक वर्ष से अधिक किसी भी प्रवर्धन के लिए विस्तार किया जा सकेगा जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से प्रार्थना दे।
10. भर्ती की पद्धति—भर्ती सीधी होगी या प्रोन्नति या प्रतिनिधित्व या स्थानान्तरण द्वारा और विभिन्न पद्धतियों द्वारा भरे जाने वाले पद (पदों) की प्रतीकता : अतः प्रत्यक्ष प्रोन्नति द्वारा
11. प्रोन्नति, संकेष्टमैट या स्थानान्तरण की दृष्टि में श्रेणियां, जिनसे प्रोन्नति / संकेष्टमैट या स्थानान्तरण किया जाएगा : प्रयोक्ता ग्रेड-11 में से प्रोन्नति द्वारा जिसका 3 वर्ष का नियमित सेवाकाल या ग्रेड में की गई लगातार तदर्थ सेवा सहित 3 वर्ष का संयुक्त नियमित सेवाकाल हो।

(1) प्रोन्नति के सभी मामलों में, पद पर नियमित नियुक्ति से पूर्व सम्भरण पद में की गई निरन्तर तदर्थ सेवा, यदि कोई हो, प्रोन्नति के लिये इन नियमों में यथाविहित सेवाकाल के लिये, इस बात के अधीन रहते हुए गणना में ली जाएगी, कि सम्भरण प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति भर्ती एवं प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्विकार प्रक्रिया को अपनाते के पश्चात् की गई थी :

परन्तु यह कि उन सभी मामलों में जिनमें कोई कनिष्ठ व्यक्ति सम्भरण पद में अपने कुल सेवाकाल (तदर्थ आधार पर की गई तदर्थ सेवा सहित जो नियमित

सेवा/नियुक्ति के अनुसार (हो) के आधार पर उपर्युक्त निर्दिष्ट उपबन्धों के विचार किए जाने जाते हैं, बल्कि अपने-अपने प्रवर्ग/पद/कांडर में उनमें विरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जाएंगे और विचार करते समय कनिष्ठ व्यक्ति से ऊपर रहे जाएंगे।

परन्तु उन सभी पदधारियों को, जिन पर प्रोन्नति के लिए विचार किया जाना है, उनसे कम तीन वर्ष की, न्यूनतम अर्हता सेवा या पद के भर्ती एवं प्रोन्नति नियमों में विहित सेवा; इनमें से जो भी कम हो, होगा।

परन्तु यह और भी कि कोई व्यक्ति पूर्वगामी परतुक्त को प्रयोज्यो के कारण प्रोन्नति किए जाने सम्बन्धी विचार के लिए प्रभाव हो जाता है, तो उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के विचार के लिए प्रभाव समझा जाएगा/समझे जाएंगे।

स्पष्टीकरण.—प्रत्यक्ष परतुक्त के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए प्रभाव नहीं समझा जायेगा यदि विरिष्ठ प्रभाव व्यक्ति भूतपूर्व सैनिक है, जिसे डिमोबिलाइज्ड ग्रामेंड फोर्स परसोना (रिजर्वेशन ग्राफ बेकेंसीज इन हिमाचल स्टेट नॉन-टैक्नीकल सर्विसेज) क्लज, 1972 के नियम 3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो तथा इसके अन्तर्गत बरीयता लाभ दिये गये हों या जिसे ऐन्स-सर्विसेमें (रिजर्व) ग्राफ बेकेंसीज इन हिमाचल स्टेट टैक्नीकल सर्विसेज) क्लज, 1985 के नियम 3 के उपबन्धों के अन्तर्गत भर्ती किया गया हो व इसके अन्तर्गत बरीयता लाभ दिए गए हों।

(2) इसी प्रकार स्थायीकरण के सभी मामलों में ऐसे पद पर नियमित नियुक्ति से पूर्व सम्भरण पद पर की गई निरन्तर तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी, यदि ऐसे पद पर तदर्थ नियुक्ति, उचित चयन के पश्चात् और भर्ती एवम् प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी :

परन्तु यह कि उपर्युक्त निर्दिष्ट तदर्थ सेवा की गणना में उनमें के पश्चात् जो स्थायीकरण होगा उनमें कनिष्ठ पदधारियों के बरीयता प्रपरिवर्तित रहेगी।

12. यदि विभागीय प्रोन्नति समिति विद्यमान हो, तो उसकी सरचना।

जैसी कि सरकार द्वारा समय-समय पर गठित की जाए।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जाएगा।

जैसा कि विधि द्वारा प्रयोजित है।

to have been validly made, done or taken under these rules.

By order,

14. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए प्रवेष्टा।

लागू नहीं

Sd/-

Principal Secretary.

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन।

लागू नहीं

ANNEXURE "A"

RECRUITMENT AND PROMOTION RULES FOR THE POST OF SUPERINTENDENT, GRADE-I (CLASS-I, GAZETTED) IN THE DEPARTMENT OF FORESTS, HIMACHAL PRADESH

16. प्रारक्षण

उच्चतम वेतन में नियुक्ति, हिमाचल सरकार द्वारा नियुक्त पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य वर्गों के व्यक्तियों के लिए सेवा में प्रारक्षण की वावत जारी किये गये अनुदेशों के अधीन होगी।

- | | |
|----------------------|--|
| 1. Name of the post | Superintendent Grade-I |
| 2. Number of post(s) | 23 (Twenty three) |
| 3. Classification | Class-I (Gazetted) |
| 4. Scale of pay | Rs. 7220-220-8100-275-10300-340-11660. |

17. विभागीय परीक्षा

सेवा में प्रत्येक सदस्य को समय-समय पर यथा संशोधित हिमाचल प्रदेश विभागीय परीक्षा नियम, 1997 में यथाविहित विभागीय परीक्षा परित करनी होगी।

- | | |
|--|----------------|
| 5. Whether selection post or non-selection post? | Non-selection |
| 6. Age for direct recruitment. | Not applicable |

18. शिथिल करने की शक्ति

जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां यह कारणों की प्रामाणिकता के तौर पर हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, प्रादेश द्वारा, इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्तियों के वर्गों या पदों की वावत, शिथिल कर सकेंगे।

- | | |
|---|--|
| 7. Minimum educational and other qualifications required for direct recruitment. | Not applicable |
| 8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotee(s)? | Essential Qualifications :
Not applicable.

Desirable Qualifications :
Not applicable. |

[Authoritative English text of this Department Notification No. FFE-A(B)2-7/2001 dated 10-11-2006 as required under clause (3) of Article 348 of the Constitution of India]

FORESTS DEPARTMENT

NOTIFICATION

Shimla-2, the 10th November, 2006

No. FFE-A(B) 2-7/2001.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the Recruitment and Promotion Rules for the post of Superintendent Grade-I (Class-I Gazetted) in the Department of Forests, Himachal Pradesh as per Annexure "A" attached to this notification, namely:—

1. Short title and commencement.—(1) These rules may be called the Himachal Pradesh Forest Department, Superintendent, Grade-I (Class-I, Gazetted) Recruitment and Promotion Rules, 2006.

(2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. Repeal and savings.—(1) The Recruitment and Promotion Rules for Class-II (Gazetted) posts of Superintendents in the office of Chief Conservator of Forests, H. P. notified vide notification No. 1-63/69-SF (Estt.), dated 28-11-1970 and as amended from time to time are hereby repealed.

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed under Rule 2 (1) *supra* shall be deemed

- | | |
|---------------------------------|--|
| 9. Period of probation, if any. | Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing. |
|---------------------------------|--|

- | | |
|---|-------------------|
| 10. Method of recruitment—whether by direct recruitment or by promotion, deputation, transfer and the percentage of post(s) to be filled in by various methods. | 100% by promotion |
|---|-------------------|

- | | |
|--|--|
| 11. In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation/transfer is to be made. | By promotion from amongst the Superintendents Grade-II with 3 years regular service or regular combined with continuous <i>ad hoc</i> service, if any, in the grade. |
|--|--|

(1) In all cases of promotion, the continuous *ad hoc* service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition that the *ad hoc* appointment/promotion in the feeder

category had been made after following proper acceptable process of selection in accordance with the provisions of R & P Rules :

Provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on *ad hoc* basis, followed by regular service/appointment) in the feeder post in view of the provisions referred to above, all persons senior to him/her in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration :

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the Recruitment & Promotion Rules for the post, whichever is less :

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him/her shall also be deemed to be ineligible for consideration for such promotion.

Explanation.—The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be Ex-Servicemen recruited under the provisions of Rule 3 of the Demobilized Armed Forces Personnel (Reservation of Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rule 3 of the Ex-servicemen (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder

(2) Similarly, in all cases of confirmation continuous *ad hoc* service rendered in the feeder post, if any, prior to the regular appointment/promotion against such post shall be taken into account towards the length of service, if the *ad hoc* appointment/promotion has been made after proper selection and in accordance with the provisions of the R & P Rules :

Provided that *inter-seniority* after a result of confirmation after taking into account, *ad hoc* service rendered as referred to above shall remain unchanged

As may be constituted by the Government from time to time

As required under the law

Not applicable

Not applicable

The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Other Backward Classes/Other categories of persons issued by the Himachal Pradesh Government from time to time.

Every member of the service shall pass the Departmental examination as prescribed in H. P. Departmental Examination Rules, 1997 as amended from time to time.

Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the H. P. Public Service Commission relax any of the provision(s) of these rules with respect to any class or category of person(s) or post(s).

गृह विभाग

प्रशिक्षण

शिमला-2, 25 नवम्बर, 2006

संख्या गृह (ए) (3)-1/2006—हिमाचल प्रदेश के राज्यपाल, पुलिस अधिनियम, 1861 (1861 का 5) की धारा 46 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश राज्य में यथा लागू पंजाब पुलिस रूल, 1934 का और संशोधन करते हुए निम्नलिखित नियम बनाते हैं, प्रार्थना:—

1. संक्षिप्त नाम प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम पंजाब पुलिस (हिमाचल प्रदेश संशोधन) नियम, 2006 है।

(2) ये नियम तुरन्त प्रभाव से लागू होंगे।

2. नियम 1-17 का संशोधन.—हिमाचल प्रदेश राज्य में यथा लागू पंजाब पुलिस रूल, 1934 (जिन्हें इसमें इससे पश्चात् उक्त

म कहा गया है) के नियम 1.17 में द्वितीय पैरा हटा दिया जाएगा।

3. नियम 1.22 का अन्तःस्थापन.—उक्त नियमों के नियम 1.21 के परन्तु निम्नलिखित नियम 1.22 अन्तःस्थापित किया जाएगा, यथा—

"1.22. *Minimum tenure of police officers in field posts.*—Deputy Inspectors General Incharge of a Range, Superintendents of Police, Deputy Superintendents of Police incharge of sub-divisions, officers incharge of police stations and police posts and upper subordinates in police stations exclusively designated for investigation work shall have a minimum tenure of 2 years, and shall not be transferred on any grounds other than on reversion, promotion or retirement, except if it is found necessary to remove them prematurely following the initiation of disciplinary or criminal proceedings, or in emergent circumstances in the public interest, if the incumbent is otherwise incapacitated from discharging his responsibilities".

प्रदेश द्वारा,

हस्ताक्षरित/
प्रधान सचिव।

[Authoritative English text of this department notification No. Home(A)/31/2006, dated 25-11-2006 as required under clause (3) of Article 348 of the Constitution of India].

HOME DEPARTMENT

NOTIFICATION

Shimla-2, the 25th November, 2006

No. Home (A)/31/2006.—In exercise of the powers conferred by section 46 of the Police Act, 1861 (Act

No. V of 1861), the Governor, Himachal Pradesh is pleased to make the following rules further to amend the Punjab Police Rules, 1934, in their application to the State of Himachal Pradesh, namely :—

1. *Short title and commencement.*—(1) These rules may be called the Punjab Police (Himachal Pradesh amendment) Rules, 2006.

(2) These rules shall come into force with immediate effect.

2. *Amendment of rule 1.17.*—In rule 1.17 of the Punjab Police Rules, 1934, in their application to the State of Himachal Pradesh (hereinafter referred to as the said rules), record para shall be deleted.

3. *Insertion of rule 1.22.*—After rule 1.21 of the said rules the following rule 1.22 shall be inserted namely :—

"1.22. *Minimum tenure of police officers in field posts.*—Deputy Inspectors General incharge of a Range, Superintendent of Police, Deputy Superintendent of Police incharge of sub-divisions, officers incharge of police stations and police posts and upper subordinates in police stations exclusively designated for investigation work shall have a minimum tenure of 2 years, and shall not be transferred on any grounds other than on reversion, promotion or retirement, except if it is found necessary to remove them prematurely following the initiation of disciplinary or criminal proceedings, or in emergent circumstances in the public interest, if the incumbent is otherwise incapacitated from discharging his responsibilities".

By order,

Sd/
Principal Secretary.

भाग-4—स्वामीय स्वायत्त मालन, न्यायविपद बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और अन्य एरिया तहत पंचायती राज विभाग

—द्वारा—

भाग-5—व्यक्तिगत अधिसूचनाएं और विज्ञापन

PROCLAMATION UNDER GUARDIAN & WARD ACT

In the court of Shri Baldev Singh, Civil Judge (Sr. Division), Bilaspur, Himachal Pradesh

C. Suit No. No. 45 of 2004

In the matter of :

Shri Kala Ram s/o Shri Salu Ram, r/o Vill. Nalag, Tehsil Sadar, District Bilaspur, Himachal Pradesh

.. Plaintiff/Petitioner.

Versus

General public

.. Respondent.

Petition u/s 372 of Indian Succession Act.

To

the general public.

Whereas in the above noted case, the applicant/petitioner Kala Ram s/o Salu Ram, r/o Nalag, Tehsil Sadar, District Bilaspur, Himachal Pradesh has applied for the release of the amount Rs. 8,000/- (Eight thousand only) deposited by Late Sant Ram s/o Shri Bhojra Ram, r/o Vill. Nalag, Tehsil Sadar, District Bilaspur, Himachal Pradesh and his wife Smt Mahanti Devi who have died, have deposited in UCO Bank Branch

at Beri, Tehsil Sadar, District Bilaspur, Himachal Pradesh on 16-3-1993 as a fixed deposit payable to either of survival.

Notice is hereby given to the general public/relations and kinsman of the deceased Late Sant Ram that the petitioner is the successor of deceased Shri Sant Ram and is entitled for the said amount. If any body has any objection the same be filed in this Court on or before 28-12-2006 at 10.00 A.M. personally or through pleader and authorised agent failing which the application shall be heard and decided *ex parte*.

Given under my hand and the seal of the court this 21st day of November, 2006.

Seal.

BALDEV SINGH,
Civil Judge (Sr. Division),
Bilaspur, Himachal Pradesh.

व अदालत नाथन तहसीलदार एवं सहायक समाह्वी द्वितीय श्रेणी तहसील घुमारवीं, जिला बिलासपुर, हिमाचल प्रदेश

विजय कुमारी पत्नी किरपा राम, राजीव पुत्र, ज्योति पुत्री व श्रीमती सनेहर देवी माता किरपा राम पत्नी प्रमदयान, निवासी ग्राम वडभार्ड, डारुपर सेहड़ी मरेन, तहसील व जिला बिलासपुर, हिमाचल प्रदेश।

बनाम

जन समागम (जनरल पब्लिक) ग्राम वडभार्ड, परगना यनदेरपुर, तहसील घुमारवीं, जिला बिलासपुर, हिमाचल प्रदेश।

प्रार्थना-पत्र मजकूर-उत्त-खबरी श्री किरपा राम पुत्र श्री प्रेम दयाल, निवासी ग्राम बड़साई, तहसील पुनारबी, जिला बिलासपुर, हिमाचल प्रदेश बहक नायन वारसान दर्ज कायजात माल में करने के सम्बन्ध में।

नोटिस बनाम जनसाधारण

नोटिस दिया पर जनसाधारण व खास को बजरिया राजनर द्वारा सूचित किया जाता है कि श्रीमती विनय कुमारी उपरोक्त सादि ने एक प्रार्थना-पत्र दिया है कि उसका पति श्री किरपा राम पुत्र प्रेमदयाल नं० 118 नवकद-उत्त-खबरी दर्ज किया गया है। उनका यह भी प्रयत्न है कि श्री किरपा राम गवर्नमेंट हाई स्कूल श्रीराजपुरी, तहसील भरमौर, जिला चम्पा में अध्ययन का शीर्षक 3-11-1998 से ड्यूटी से गायब हो गया तथा 26-11-1998 को उसके इस प्रकार गायब होने के सम्बन्ध में पुलिस स्टेशन भरमौर में मर्यादाभार शरा रिपोर्ट दर्ज करवाई गई थी। तत्पश्चात् उनका कौन भी कोई पता नहीं मालूम हुआ जो किसी को भी पत्र व दुरभाषा धाया। इस प्रमाण उन्हें संदेह है कि कहीं उनकी मृत्यु हो चुकी है अन्यथा यह घर व पत्नी इत्यादि पर उपस्थित रहे। ऐसी प्रवृत्ति में उनकी बरास्त का इन्तकाल उसके जायज वारसान के नाम कर दिया जाये।

उपरोक्त के सम्बन्ध में राजपत्र के द्वारा ग्राम व खास को सूचित किया जाता है कि जिस किसी व्यक्ति को किरपा राम के जीवित होने के सम्बन्ध में कोई सूत या एतराज हो तो वह दिनांक 31-12-2006 तक सुबह 10.00 बजे असातन/वकासतन उपस्थित होकर अपना एतराज पेश कर सकता है अन्यथा श्री किरपा राम का मृत समझ कर उसकी बरास्त का इन्तकाल नं० 118 मजकूर-उत्त-खबरी जायज वारसान के नाम त्वाकर कर दिया जायेगा।

आज दिनांक 17-10-2006 को हमारे हस्ताक्षर व मोहर अदालत में जारी किया गया।

मोहर। हस्ताक्षरित/-
नायक तहसीलदार एवं सहायक समाहर्ता द्वितीय श्रेणी,
पुनारबी, जिला बिलासपुर (हो 20)।

व अदालत श्री प्रताप सिंह ठाकुर, कार्यकारी दण्डाधिकारी एवम् तहसीलदार, भटियात स्थित बुवाड़ी, जिला चम्पा, हिमाचल प्रदेश

श्री दिनेश कुमार मुख्तुल श्री जोग बहादुर, गांव घटासनी, डाकघर घटामनी, तहसील भटियात बुवाड़ी, जिला चम्पा

बनाम

ग्राम जनता .. प्रतिवादी।

विवरण - जन्म एवम् मृत्यु पंजीकरण अधिनियम, 1969 की धारा 13(3) के अन्तर्गत ग्राम पंचायत घटामनी में अपने लड़के का नाम व जन्म तिथि दर्ज करने के सम्बन्ध में इन्हें।

उपरोक्त प्रार्थी ने अर्थात्साधरी की अदालत में प्रार्थना-पत्र मय ध्यान हलफिया इस माग्य से गुजारा है कि उसके लड़के का नाम प्रतीप गदंग है तथा उसका जन्म दिनांक 20-9-2004 को पंचायत घटामनी में हुआ है लेकिन ग्राम पंचायत घटामनी के पंचायत परिषद रजिस्टर में दर्ज न है। जिसे दर्ज किया जावे।

इस सम्बन्ध में सर्व-साधारण को बजरिया इन्हें सूचित किया जाता है कि श्रीमती गंधम पुत्र दिनेश कुमार मुख्तुल श्री जोग बहादुर, गांव व आसुर घटासनी, तहसील भटियात बुवाड़ी, जिला चम्पा का नाम व जन्म तिथि दर्ज पंचायत रिकार्ड करने में यदि किसी को किसी भी किसम का उजर व एतराज हो तो वह दिनांक 29-12-2006 को असातन या वकासतन हाजिर अदालत होकर अपना उजर व एतराज दर्ज करवा सकता है। हाजिर न जाने की मृत में उपरोक्त नाम व जन्म तिथि दर्ज करने के आदेश पारित कर दिए जायेंगे।

आज दिनांक..... को हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर। प्रताप सिंह ठाकुर,
कार्यकारी दण्डाधिकारी,
भटियात बुवाड़ी, जिला चम्पा,
हिमाचल प्रदेश।

Office of the District Collector, Hamirpur, District
Hamirpur, Himachal Pradesh

PROCLAMATION OF SALE UNDER SECTION 35 OF THE H. P. LAND REVENUE ACT

Whereas arrear of land revenue amounting of Rs. 18,000/- has accrued in respect of the estate named Tika Bani, Mauza Bajuri, Tehsil and District Hamirpur holding No. his 1/3 share (3K-3M) in Khata No. 22, Khatauni No. 22, Kita 9, Total area measuring 9K-10M situated in Tika Bani, Mauza Bajuri, Tehsil and District Hamirpur as per jamabandi for the year 2002-2003 or the corresponding numbers in subsequent Jamabandi if any in the estate and the sanction of Divisional Commissioner, Mandi Division has been conveyed vide letter No. Commr-MND-LR-1(3)-2003-7208, dated 3rd October, 2006 under section 81 of the H. P. Land Revenue Act to the sale of the immovable property, detailed in the annexed schedule for the recovery of the said arrear, this is to give notice that the said immovable property will be sold by auction at Patwar Khena Bani Bajuri on the 28th day of December, 2006 at 11.30 A. M. Land revenue amounting to Rs. (to be assessed later) per annum on the above said estate payable in respect of the said holding. Any person intending to claim a right of pre-emption must on pain for forfeiting the right give notice of his intention to me on an office day before that fixed above for the sale. The sale will be made subject to the provisions of section 76, section 85 (d) of the H. P. Land Revenue Act free of all encumbrances.

Owner : ASHOK KUMAR s/o SHRI PREM CHAND

SCHEDULE OF PROPERTY :

Share to the extent of 3K-3M in Khata No. 22, Khatauni No. 22, Kita 9, Total area measuring 9K-10M situated in Tika Bani, Mauza Bajuri, Tehsil and District Hamirpur as per jamabandi for the year 2002-2003 or the corresponding numbers in subsequent jamabandi if any owned by the defaulter Ashok Kumar s/o Shri Prem Chand.

Seal. Sd/-
Place : Hamirpur District Collector,
Dated : 20-10-2006. Hamirpur, Himachal Pradesh.

व अदालत श्री प्रार० के० प्रवी, नरिज ग्रामिण एवं उप-मण्डल दण्डाधिकारी, हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश

1. Shri Susheel Kumar aged 23 years, s/o :
Roop Lal, r/o Village and P. O. Taula Devi, Tehsil and District Hamirpur (H. P.).

2. Smt. Sanyogita, aged 23 years, d/o Shri Hari Ram, r/o Village Chadyana, P. O. Dudar, Tehsil & District Mandi, Himachal Pradesh.

बनाम

ग्राम जनता

प्रार्थना-पत्र अर्थात् घटामनी द्वारा 16 थोक स्थित नरिज ऐक्ट, 1964 के अन्तर्गत शादी पंजीकरण करने वाले।

उपरोक्त मुकदमा में श्री Susheel Kumar व श्रीमती Sanyogita ने हिन्दू रीति-रिवाज अनुसार शादी कर ली है जिसे स्थान मौर्य ऐक्ट, 1954 के अन्तर्गत पंजीकृत किया जाना है।

नोट: ग्राम जनता एवं उनके रिश्तेदारों को इस इश्टहार द्वारा सूचित किया जाता है कि उक्त श्रादी पंजीकरण करने वाले किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 28-12-2006 को सुबह 10.00 बजे या इसके पहले असावजन या बकावतन हाजिर अदालत होकर पेश करे अन्यथा श्रादी पंजीकरण करने वाले श्रागामी कागजादी अमल में लाई जायेगी।

ग्राम दिनांक को मेरे हुस्तावर व मोहर अदालत से जारी किया गया।

मोहर।

घार0 के0 प्रथी,
मैरिज आफिसर एवं उप-मण्डल दण्डाधिकारी,
हमीरपुर, जिला हमीरपुर, हिमाचल प्रदेश।

व अदालत श्री सन्त राम मस्ताना, सब-रजिस्ट्रार, भोरंज, जिला हमीरपुर, हिमाचल प्रदेश

श्री रणवीर सिंह सुपुत्र श्री नन्द लाल, बासी रोहवी, मौजा बमसन, तहसील भोरंज, जिला हमीरपुर, हिमाचल प्रदेश

बादी।

बनाम

ग्राम जनता

दरकवास्त जेर घारा 40-41 भारतीय पंजीकरण अधिनियम।

श्री रणवीर सिंह सुपुत्र श्री नन्द लाल, बासी रोहवी, मौजा बमसन, तहसील भोरंज, जिला हमीरपुर ने इस अदालत में दरकवास्त गुजारी है कि उसके पिता श्री नन्द लाल ने उसके नाम एक वसीयत तहरीर करवा रखी है जो कि अपंजीकृत है। अतः उसे रजिस्टर किया जावे।

नोट: इस अदालती इश्टहार द्वारा ग्राम जनता को सूचित किया जाता है कि वसीयत पंजीकरण किए जाने वाले किसी को उजर/एतराज हो तो वह दिनांक 23-12-2006 को हाजिर अदालत आकर एतराज पेश कर सकता है अन्यथा एकतरफा कार्यवाही अमल में लाई जायेगी।

माज दिनांक 22-11-2006 को मेरे हुस्तावर व मोहर अदालत से जारी हुआ।

मोहर।

सन्त राम मस्ताना,
सब-रजिस्ट्रार, भोरंज,
जिला हमीरपुर, हिमाचल प्रदेश।

व अदालत श्री अमर नाथ वर्मा, कार्यकारी दण्डाधिकारी, वैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश

श्रीमती छिरिंग पातमो पत्नी श्री पासंग टासी, निवासी गांव तिब्बतियन कलोनी बौड़, तहसील वैजनाथ, जिला कांगड़ा (हि0 प्र0)।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर घारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती छिरिंग पातमो पत्नी श्री पासंग टासी, निवासी तिब्बतियन कलोनी, डाकखाना बौड़, तहसील वैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उसके पुत्र लोबनाथ शेरपा का जन्म दिनांक 2-10-1990 को मुहाल तिब्बतियन कलोनी में हुआ था परन्तु इस बारे पंचायत के रिकार्ड में पंजीकरण नहीं करवाया जा सका है। अब पंजीकरण करने के आदेश दिये जायें।

अतः इस नोटिस के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त पंजीकरण के बारे में कोई उजर/

एतराज हो तो वह दिनांक 22-12-2006 को सुबह 10.00 बजे इस न्यायालय में असावजन या बकावतन हाजिर आकर पेश कर सकता है अन्यथा उपरोक्त जन्म का पंजीकरण करने के आदेश दिये जायेंगे। उसके उपरान्त कोई एतराज न मुना जायेगा।

माज दिनांक 26-10-2006 को मेरे हुस्तावर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

अमर नाथ वर्मा,
कार्यकारी दण्डाधिकारी, वैजनाथ,
जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत श्री अमर नाथ वर्मा, कार्यकारी दण्डाधिकारी, वैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश

श्रीमती छिरिंग पातमो पत्नी श्री पासंग टासी, निवासी तिब्बतियन कलोनी बौड़, डाकघर बौड़, तहसील वैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर घारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती छिरिंग पातमो पत्नी श्री पासंग टासी, निवासी तिब्बतियन कलोनी, डाकखाना बौड़, तहसील वैजनाथ, जिला कांगड़ा, हिमाचल प्रदेश ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उसकी पुत्री तेनजिन पासंग का जन्म दिनांक 30-3-1989 को मुहाल चोगान में हुआ था परन्तु इस बारे पंचायत रिकार्ड में पंजीकरण नहीं करवाया जा सका है। अब पंजीकरण करने के आदेश दिये जायें।

अतः इस नोटिस के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त पंजीकरण के बारे में कोई उजर एतराज हो तो वह दिनांक 22-12-2006 को सुबह 10.00 बजे इस न्यायालय में असावजन या बकावतन हाजिर आकर पेश कर सकता है अन्यथा उपरोक्त जन्म का पंजीकरण करने के आदेश दिये जायेंगे। उसके उपरान्त कोई एतराज न मुना जायेगा।

माज दिनांक 26-10-2006 को मेरे हुस्तावर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

अमर नाथ वर्मा,
कार्यकारी दण्डाधिकारी, वैजनाथ,
जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत श्री राम चन्द कोचन, सब-रजिस्ट्रार, देहरा, जिला कांगड़ा, हिमाचल प्रदेश

श्री कृष्ण कान्त पुत्र श्री जैनी राम, बासी बान्नाचोमा, तहसील बड़ोह, जिला कांगड़ा (हि0 प्र0)।

बनाम

ग्राम जनता

श्री कृष्ण कान्त पुत्र श्री जैनी राम, बासी बान्नाचोमा, तहसील बड़ोह, जिला कांगड़ा ने इस अदालत में मुक्ता आवासी जोगिन्द्रा देवी विवाह श्री लाल चन्द, बासी घन्नी, मौजा भडोही को चल व अचल सम्पत्ति से सम्बन्धित पुर्व निष्पादित वसीयत पंजीकरण अधिनियम, 1908 को घारा 40/41 के अन्वये पंजीकरण हेतु पेश की है।

अतः इस इश्टहार द्वारा सर्वसाधारण व मुक्ता के जायज वारसान व रिश्तेदारों को सूचित किया जाता है कि यदि किसी व्यक्ति को

मृतका श्रीमती जोगिन्दरा देवी विधवा श्री जैसी-राय, वासी ग्राम्बी, डाकघर मरोली की वसीयत पंजीकरण करने वाले कोई एतराज हो तो वह दिनांक 23-12-2006 को प्रातः दस बजे मसालतन या वकालतन हाजिर अदालत आकर पेश करें अन्यथा कार्यवाही क्रम में लाई जाएगी।

आज दिनांक 23-11-2006 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

राम चन्द कोशल,
सबर-रजिस्ट्रार,
देहरा, जिला कांगड़ा (हि० प्र०)।

व अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

व मुकद्दमा :

मोनिता देवी पत्नी श्री सुभाष चन्द, निवासी गांव हरबाग, डाकखाना प्राग्पुर, तहसील देहरा, जिला कांगड़ा (हि० प्र०)।

वनाम
ग्राम जनता

दरखास्त जेर घारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस वनाम जनता।

श्रीमती मोनिता देवी ने अदालत में दरखास्त दी है कि उसके पुत्र निवास नगीवाल पुत्र मोनिता देवी पत्नी श्री सुभाष चन्द का जन्म पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है। अब दर्ज किया जावे। इसके पुत्र की जन्म तिथि 4-9-2003 है तथा वस्त्र का जन्म हरबाग गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वाले कोई आपत्ति या उजर हो तो वह दिनांक 26-12-2006 को समय 10.00 बजे प्रातः स्वयं अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर हो कर पेश करें। अन्यथा एक तरफा कार्यवाही क्रम में लाई जाएगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी देहरा,
तहसील देहरा, जिला कांगड़ा (हि० प्र०)।

व अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

व मुकद्दमा :

श्रीमती Sodhan Devi w/o Late Sh. Kishan Chand, r/o village Karol, P. O. Pragpur, Tehsil Dehra, District Kangra (H. P.).

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ग्राम जनता

दरखास्त जेर घारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस वनाम ग्राम जनता।

श्रीमती Sodhan Devi ने इस अदालत में दरखास्त दी है कि उसके पति श्री कृष्ण चन्द की मृत्यु का पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है। अब दर्ज किया जावे। उसके पति

की मृत्यु तिथि 20-10-1974 है तथा पति की मृत्यु गांव Karol में हुई है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसकी मृत्यु तिथि दर्ज करने वाले कोई आपत्ति या उजर हो तो वह दिनांक 26-12-2006 को समय 10.00 बजे प्रातः स्वयं अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर हो कर पेश करें अन्यथा एक-तरफा कार्यवाही क्रम में लाई जाएगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा (हि० प्र०)।

व अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

व मुकद्दमा :

Shri Kuldeep Kumar s/o Shri Gian Chand, r/o V. P. O. Bara.

वनाम

ग्राम जनता

दरखास्त जेर घारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री कुलदीप कुमार ने इस अदालत में दरखास्त दी है कि उनके पुत्र निशान्त ठाकुर का जन्म पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है। अब दर्ज किया जावे। उसके पुत्र की जन्म तिथि 3-5-2003 है। तथा वस्त्र का जन्म Bara गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वाले कोई आपत्ति या उजर हो तो वह दिनांक 26-12-2006 को समय 10.00 बजे प्रातः स्वयं अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर हो कर पेश करें अन्यथा एक तरफा कार्यवाही क्रम में लाई जाएगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

व मुकद्दमा :

श्री राज कुमार ने इस अदालत में दरखास्त दी है कि उनके पुत्र पिपुषू सुंद का जन्म पंचायत रजिस्टर में गलती से दर्ज न

वनाम

ग्राम जनता

दरखास्त जेर घारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस वनाम ग्राम जनता।

श्री राज कुमार ने इस अदालत में दरखास्त दी है कि उनके पुत्र पिपुषू सुंद का जन्म पंचायत रजिस्टर में गलती से दर्ज न

ब्रह्मा गया है। अब दर्ज किया जावे। उसके पुत्र की जन्म तिथि 4-7-2003 तथा बच्चे का जन्म गांव बोहन, डा0 ज्वालामुखी में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वारे कोई आपत्ति या उज्र हो तो वह दिनांक 26-12-2006 को समय 10.00 बजे प्रातः स्वयं अथवा किसी वान्छित के माध्यम से हमारे समक्ष अदालत में हाजिर हो कर पेश करें अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा, हिमाचल प्रदेश

य अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा हिमाचल प्रदेश

ब मुकदमा :

श्री कुलदीप कुमार पुत्र श्री ज्ञान चन्द, निवासी गांव व डाकखाना बारा, तहसील देहरा, जिला कांगड़ा (हि0 प्र0)।

बनाम

आम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता।

श्री. कुलदीप कुमार ने इस अदालत में दरखास्त दी है कि उसके पुत्र साहिल ठाकुर का जन्म पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है। अब दर्ज किया जावे। उसके पुत्र की जन्म तिथि 30-8-2001 तथा बच्चे का जन्म बारा गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वारे कोई आपत्ति या उज्र हो तो वह दिनांक 26-12-2006 को समय 10 बजे प्रातः स्वयं अथवा किसी वान्छित के माध्यम से हमारे समक्ष अदालत में हाजिर हो कर पेश करें। अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी, देहरा,
तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश।

अ अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा (हि0 प्र0)

ब मुकदमा :

Rajinder Kumar s/o Banarsi Dass, r/o Bohan Bha, Tehsil Dehra, Distt. Kangra (H. P.)

बनाम

General Public

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969

नोटिस बनाम आम जनता।

श्री Rajinder Kumar ने इस अदालत में दरखास्त दी है कि इसके पुत्र Krishna का जन्म पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है। अब दर्ज किया जावे। इसके पुत्र की जन्म तिथि 27-12-2002 है तथा बच्चे का जन्म गांव Bohan Bhatti में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि इसका नाम दर्ज करने वारे कोई आपत्ति या उज्र हो तो वह दिनांक 26-12-2006 को समय 10.00 बजे प्रातः स्वयं अथवा किसी वान्छित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें। अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा (हि0 प्र0)।

ब अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश

ब मुकदमा :

श्री सुभाष चन्द

बनाम

आम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम आम जनता।

श्री सुभाष चन्द ने इस अदालत में दरखास्त दी है कि उसकी पुत्री रज्जू कुमारी का जन्म पंचायत रजिस्टर में गलती से दर्ज न करवाया गया है। अब दर्ज किया जावे। इसकी पुत्री की जन्म तिथि 8-9-1992 है तथा बच्चे का जन्म Bhatoli Phakorion गांव में हुआ है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वारे कोई आपत्ति या उज्र हो तो वह दिनांक 26-12-06 को समय 10 बजे प्रातः स्वयं अथवा किसी वान्छित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें। अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी, देहरा,
तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत कार्यकारी दण्डाधिकारी, देहरा, तहसील देहरा, जिला कांगड़ा हिमाचल प्रदेश

ब मुकदमा :

Smt. Sarita Devi w/o Late Shri Rajinder Singh, r/o Bang Banial, P. O. Sunhet, Teh. Dhara. Distt. Kangra H. P.

बनाम

आम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम जनता।

श्रीमती सारिता देवी ने इस अदालत में दरखास्त दी है कि इसने

नोटिस वनाम ग्रामं जनतां ।

श्री राकेश कुमार ने इस अदालत में दख्खान्त दी है कि उसकी माता श्रीमती परशोमती देवी की मृत्यु पंचायत रजिस्टर में गलती से दर्ज न करवाई गई है। अब दर्ज की जावे। इसकी माता की मृत्यु तिथि 15-11-2004 है तथा माता की मृत्यु धनुर्द गांव में हुई है।

प्रतः इस नोटिस द्वारा सर्वसम्मति जताया गया सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसकी मृत्यु तिथि दर्ज करने वाले कोई द्वापार्षा या उजर हो तो वह दिनांक 26-12-2006 को नमय 10.00 बजे प्रातः स्वयं ग्रथवा किसी वान्छित के माध्यम से हमारे समक्ष ग्रदालत में दाखिल हो कर पेश करे। अन्यथा एक तरफ कार्यवाही ग्रमय में लाई जायेगी।

आज दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर प्रदानित
से जारी हुआ ।

हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा (हि० प्र०)।

३ अदालत सहायक समाहर्ता द्वितीय श्रेणी, उप-तहसील धीरा,
जिला कांगडा हिमाचल प्रदेश

सु० नं० ७/२००६.

करतार सिंह पुत्र स्व० राम रब, निवासी मलसेहड़, मौजा काहनफह
उप-तहसील धीरा, जिला कांगड़ा, हिमाचल प्रदेश प्राची ।

बनाम

ग्राम जनता

नोटिस वनाम ग्राम जन्ता ।

उपरोक्त प्रार्थी ने इस बदाल में अपना प्रार्थना पत्र मय ब्याज हल्की इस भाषाय से पेश किया है कि सेना के रिकार्डों में औपचारिक प्रमाण पत्र, ग्राम पंचायत काहुनपहरे के रिकार्डों, अन्य महालों के राजस्व रिकार्डों में उसका नाम कुरतार सिंह है जबकि महाजन अल्लहपूरे के राजस्व रिकार्डों में उसका नाम कुलतार सिंह गलत दर्ज किया गया है। अतः उसका नाम कुलतार सिंह की जगह कुरतार सिंह दर्ज किया जाये।

अतः सर्व स.धारण को इस्तहार द्वारा सूचित किया जाता है कि उक्त न.न को दस्तवी बार अगर कोई उजर या एतराज हो तो वह दिनांक 28-12-2006 को सुबह 10 बजे मन्त्रालय या वकालत हाज़िर मंदांत आकर देन कर सकत है अन्यथा एक तरफ़ा कार्यवाही अमल में लाई जायेगी।

आज दिनांक 23-11-2006 को मेरे हस्ताक्षर व मोहर प्रदानत
से जारी हुआ ।

मोहर । हुस्नासरित/-,
सहाय, सनाद्धिर्ना,
द्वितीय श्रेणी घोरा, जिला कांगडा ।

ब अदालत श्री एच० ग्रार० भाटिया, तहसीलदार एवं कार्यकारी
दण्डाधिकारी, तहसील धर्मशाला, जिला कांगड़ा, हिमाचल प्रदेश

श्री रविन्द्र सिंह ठाकुर बनाम आम जनता ।

विषय.—प्रायःना-पत्र जेर घाटा 13(3) जन्म एवम् मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाय ग्राम जनता ।

श्री रविन्द्र सिंह ठाकुर पुत्र श्री राम सिंह ठाकुर, निवासी ग्रामनगर धर्मशाला, तहसील धर्मशाला, जिला कांगड़ा ने इस प्रदान्त में शपथ-पत्र

अतः इस नोटिफाई द्वारा संपन्न जनता तथा सम्बन्धित स्थितेदारों को सूचना किया जाता है कि यदि किमी को इसका नाम दर्ज करने वारे नोटिफाई या उल्लेख हो तो वह दिनांक 26-12-2006 को समय 10.00 बजे प्रातः न्यूनतम अथवा किसी वांछित गैर नामांक से हगारे सम्बन्ध अदालत में हगारे हांकर पेश करे अन्यथा एक सप्ताह के अन्दर भे साई जायेगी।

भाग दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी है।

हस्ताक्षरित/-,
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगडा (हि० प्र०) ।

य अदावत गायकारी दण्डाधिकारी देहरा, तहसील देहरा, जिला
कांगडा, हिमाचल प्रदेश

य मृगदृमा :

श्री राजेश वशिष्ठ पट्टश्री हरबंस लाल

बनाम

श्याम अन्तः

दरम्यान जेर. धारा 13 (3) जन्म एवं मृत्यु अधिनियम, 1969.

નોટિસ વનામ થામ જનતા !

श्री राजेश बभ्रू ने इस क़दालत में दरदवास्त दी है कि उसके पुत्र/पुत्री अद्विद्या वशिष्ठ का जन्म गलती से पंचायत रजिस्टर में दर्ज न क़िया गया है । अब दर्ज क़िया जावे । इसके पुत्र/पुत्री की जन्मतारीख 4-6-2003 तथा वच्चे का जन्म Bhatoli Phakorian गांव में हुआ है ।

प्रति: इन नोटिस द्वारा समस्त जनता तथा सम्बन्धित स्थितियों को सूचित किया जाता है कि यदि किसी को इस का नाम दर्ज करने वाले कोई आपत्ति या उल्लेख हो तो यह दिनांक 26-12-2006 को समय 10 बजे प्रातः स्वयम् अथवा किसी वांछित के माध्यम से हमारे समक्ष प्रदान में हाज़िर होकर पेश करें। अन्यथा एक तरफ कार्यवाही प्रक्रम में लाई जावेगी।

प्राग दिनांक 2-11-2006 को हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर । हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
देहरा, जिला कांगड़ा (हि० प्र०) ।

ब प्रदालत कार्यकारी, दण्डाधिकारी, देहरा, तहसील देहरा
जिला कागहा, हिमाचल प्रदेश

व नृकृष्णः

श्री राकेश कुमार गुप्त श्री जलबन्ध सिंह, बामो धनुर्द, तहसील देहरा, जिला कांगड़ा, हिमाचल प्रदेश।

वनाम

આમ જનતા

दरखास्त नं० धारा 13(3) जन्म एवं मृत्यु पंजीकरण
प्रतिनिधम, 1969.

सिद्ध मुकदमा दायर किया है कि उसकी पुत्री नाम रविता ठाकुर का जन्म दिनांक 14-7-1988 को हुआ है। परन्तु ग्राम पंचायत मन्त में जन्म तिथि पंजीकृत न है। अतः इस पंजीकृत किये जाने के आदेश दिये जायें।

इस नोटिस के द्वारा समस्त जनता को तथा सम्बन्धित सम्बन्धियों को सूचित किया जाता है कि यदि किसी को उपरोक्त रविता ठाकुर की जन्म तिथि पंजीकृत किये जाने वाले कोई एतराज हो तो वह अपना एतराज हमारे अदालत में दिनांक 22-12-2006 को प्रदानत या बकालतन हाजिर आकर पेश कर सकता है अन्यथा भूताबिक समय-समय जन्म तिथि पंजीकृत किये जाने वाले आदेश पारित कर दिये जायेंगे।

आज दिनांक 1-11-2006 को हमारे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर। एच० आर० भाटिया,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
तहसील धर्मगंगा, जिला कांगड़ा, हिमाचल प्रदेश।

अदालत कार्यकारी दण्डाधिकारी, तहसील कांगड़ा, जिला कांगड़ा,
हिमाचल प्रदेश

मुकद्दमा:—जन्म तिथि पंजीकरण बारे।

बनाम
दरखास्त जेर घारा 13 (3) जन्म एवं मृत्यु पंजीकरण
प्रधिनियम, 1969.

नोटिस बनाम आम जनता।

प्राप्ति श्री लाल चन्द पुत्र श्री धनी राम, निवासी रज्याणा ने इस अदालत में दरखास्त दी है कि उसके पुत्र आश्विन की जन्म तिथि पंचायत रजिस्टर में गलती से दर्ज न करवाई गई है, अब दर्ज किये जाने के आदेश पारित किये जायें, जिसकी जन्म तिथि 29-9-2001 है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वाले कोई आपत्ति या एतराज हो तो वह दिनांक 23-12-2006 को समय 10.00 बजे प्रातः अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें अन्यथा एक तरफा कार्यवाही प्रमल में लाई जावेगी।

आज दिनांक 24-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
कांगड़ा, जिला कांगड़ा, हिमाचल प्रदेश।

अदालत कार्यकारी दण्डाधिकारी, तहसील कांगड़ा, जिला कांगड़ा,
हिमाचल प्रदेश

व मुकद्दमा:—जन्म तिथि पंजीकरण बारे।

बनाम
दरखास्त जेर घारा 13 (3) जन्म एवं मृत्यु पंजीकरण
प्रधिनियम, 1969.

नोटिस बनाम आम जनता।

प्राप्ति श्रीमती कुमम कुमारी पत्नी श्री राजीव कुमार, निवासी पुराना कांगड़ा ने इस अदालत में दरखास्त दी है कि उसकी पुत्री मेहा की जन्म तिथि पंचायत रजिस्टर में गलती से दर्ज न करवाई गई है, अब दर्ज किये जाने के आदेश पारित किए जायें, जिसकी जन्म तिथि 2-9-2002 है।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को इसका नाम दर्ज करने वाले कोई आपत्ति या एतराज हो तो वह दिनांक 23-12-2006 को समय 10.00 बजे प्रातः अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें अन्यथा एक तरफा कार्यवाही प्रमल में लाई जावेगी।

आज दिनांक 24-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
कांगड़ा, जिला कांगड़ा, हिमाचल प्रदेश।

अदालत कार्यकारी दण्डाधिकारी, तहसील कांगड़ा, जिला कांगड़ा,
हिमाचल प्रदेश

उनवान:—मृत्यु तिथि के पंजीकरण बारे।

श्री विनोद कुमार पुत्र श्री प्रेम प्रकाश मेहता, निवासी नगरोटा बगवा, तहसील व जिला कांगड़ा, हिमाचल प्रदेश।

बनाम
आम जनता
दरखास्त जेर घारा 13 (3) जन्म एवं मृत्यु पंजीकरण
प्रधिनियम, 1969.

नोटिस बनाम आम जनता।

प्राप्ति श्री विनोद कुमार पुत्र श्री प्रेम प्रकाश मेहता, निवासी नगरोटा बगवा ने इस अदालत में दरखास्त दी है कि उसकी पत्नी श्रीमती सुभाना मेहता जिसकी मृत्यु दिनांक 3-11-2004 को हुई है, जिसकी मृत्यु पंजीकरण नगर परिषद् के अभिलेख में गलती से दर्ज न करवाई गई है, अब दर्ज करने के आदेश पारित किए जायें।

अतः इस नोटिस द्वारा समस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उसकी मृत्यु दर्ज करने वाले कोई आपत्ति या एतराज हो तो वह दिनांक 23-12-2006 को समय 10.00 बजे प्रातः अथवा किसी वांछित के माध्यम से हमारे समक्ष अदालत में हाजिर होकर पेश करें अन्यथा एक तरफा कार्यवाही प्रमल में लाई जावेगी।

आज दिनांक 24-11-2006 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित/-
कार्यकारी दण्डाधिकारी,
कांगड़ा, जिला कांगड़ा, हिमाचल प्रदेश।

न्यायालय श्री जसवीर राम, नायब तहसीलदार व सहायक समाह्वी द्वितीय
श्रेणी, खुण्डिया, जिला कांगड़ा, हिमाचल प्रदेश

किस्म: राजस्व अभिलेख में नाम की दुस्स्ती

तिथि दायरा: 7-11-2006
तिथि पेजो 27-12-2006

श्री जोगिन्द सिंह पुत्र श्री गुलाब, निवासी, भटावां, मोजा तिहोर-
वाला, तहसील खुण्डिया, जिला कांगड़ा, हिमाचल प्रदेश . . प्राप्ति।

बनाम
आम जनता . . प्रतिवादीगण

विषय:—राजस्व अभिलेख में नाम की दुस्स्ती।

उपरोक्त वांछित प्राप्ति ने श्रीहस्ताक्षरी के न्यायालय में हाजर होकर राजस्व अभिलेख में नाम की दुस्स्ती हेतु प्रकरण दायर

प्रार्थी के अनुसार उसकी मादी दिनांक 17-11-2003 को हिन्दु रीति-रिवाज अनुसार श्रीमती ज्योति गर्मा पत्नी श्री केसर चन्द निवासी

मोहर व डाकघर मरेडी, तहसील मोहर, जिला हमीरपुर, हिमाचल प्रदेश से हुई है। प्रार्थी के अनुसार वह प्रकृतिक इम शादी को स्थानीय ग्राम पंचायत मुरानी में दर्ज नहीं करवा सका है। अतः अब न्यायालय में आदेश प्राप्त करके अपनी विवाह तिथि जो कि 17-11-2003 है को स्थानीय ग्राम पंचायत के अभिलेख में दर्ज करवाना चाहता है।

न्यायालय श्री जगदीश राम, नायब तहसीलदार व कार्यकारी दण्डाधिकारी, खुण्डियां, जिला कांगड़ा, हिमाचल प्रदेश

किस्म मुकद्दमा : जन्म पंजीकरण

निधि दायरा : 15-11-2006

निधि पेजी : 30-12-2006

अतः प्रकरण को स्वीकृत करते हुए प्रतिवादी ग्राम जनता/किसी भी हितवश संस्था/व्यक्ति या प्रार्थी के समे सम्बन्धी को इस विजिन्त माध्यम से सूचित किया जाता है कि यदि किसी को उपरोक्त प्रार्थी की विवाह तिथि के पंजीकरण बारे आपत्ति हो तो वह दिनांक 30-12-2006 को अपनी आपत्ति प्रकट कर सकता है अन्यथा इस तिथि को किसी प्रकार की आपत्ति प्रकट न होने की मूल में प्रार्थी को विवाह तिथि जो कि 17-11-2003 है, को दर्ज करने के आदेश स्थानीय ग्राम पंचायत विकास अधिकारी को पारित कर दिए जायेंगे।

श्री वीरबल पुत्र श्री सीता राम, निवासी गंधवाड़ खाम, डाकघर मुरानी, तहसील खुण्डियां, जिला कांगड़ा, हिमाचल प्रदेश प्रार्थी।

वनम

ग्राम जनता

प्रतिवादी।

विषय.—जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 की धारा 13(3) के तहत जन्म पंजीकृत करवाने हेतु प्रार्थना पत्र।

उपरोक्त दणित प्रार्थी ने अधोहस्ताक्षरी की असात्मन व असात्मन हाजिर होकर अपने पुत्री मासी शर्मा को कि दिनांक 25-8-2005 को जन्मी है, के जन्म को स्थानीय पंचायत के अभिलेख में दर्ज करवाने हेतु प्रकरण किया है।

प्रार्थी के अनुसार वह अपनी पुत्री मासी शर्मा की जन्म तिथि जो कि 25-8-2005 है। स्थानीय ग्राम पंचायत अभिलेख में दर्ज नहीं करवा सका है। अतः अब न्यायालय में आदेश प्राप्त करके अपनी पुत्री मासी शर्मा की जन्म तिथि को दर्ज करवाना चाहता है।

अतः प्रकरण को स्वीकृत करते हुए प्रतिवादी ग्राम जनता को सूचित किया जाता है कि यदि किसी भी व्यक्ति, संस्था या प्रार्थी के किसी भी सम्बन्धी को उपरोक्त मासी शर्मा को कि दिनांक 25-8-2005 को जन्मी है, के जन्म को पंजीकृत करवाने बारे आपत्ति हो तो वह दिनांक 30-12-2006 को असात्मन या वकालतन हाजिर अदालत होकर अपनी आपत्ति प्रकट कर सकता है अन्यथा इस तिथि को किसी प्रकार की आपत्ति प्रकट न होने की मूल में मासी शर्मा के जन्म पंजीकरण के आदेश पारित कर दिए जायेंगे।

आज दिनांक 15-11-2006 को हमारे हस्ताक्षर व मोहर अदालत सहित जारी हुआ।

मोहर।

जगदीश राम,

कार्यकारी दण्डाधिकारी,

खुण्डियां, जिला कांगड़ा (हि 0 प्र 0)।

व अदालत श्री मनोज कुमार, नायब तहसीलदार एवं सहायक समाहर्ता द्वितीय श्रेणी पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश

मु 0 नं 0 : 17/एन 0 टी 0-11/06

तारीख पेजी 28-12-06

श्री दिल सिंह पुत्र शक्ति चन्द, निवासी ननाहार मौजा कण्डवाड़ी तहसील पालमपुर, जिला कांगड़ा हिमाचल प्रदेश प्रार्थी।

वनम

सर्वेतावारण एवं ग्राम जनता

वनवान मुकद्दमा : प्रार्थना-पत्र दस्तुती नाम।

श्री दिल सिंह पुत्र श्री शक्ति चन्द, निवासी मूलाल ननाहार, मौजा कण्डवाड़ी, तहसील पालमपुर, जिला कांगड़ा, हिमाचल प्रदेश ने इस कार्यालय में प्रार्थना-पत्र दिया है कि प्रार्थी का नाम राजेश्वर अभिलेख में दिलवर दर्ज है जबकि प्रार्थी का नाम दिल सिंह है।

अतः इस इस्तहार द्वारा हर बात व ग्राम को सूचित किया जाता कि यदि इस बारे किसी को उक्त नाम दस्तुती बारे आपत्ति हो तो वह दिनांक 28-12-2006 को असात्मन व वकालतन प्रस्ता एतराज अदालत में हाजिर आकर पेश कर सकता है। इसके बाद कोई भी उजर या एतराज नहीं मुना जायेगा।

आज दिनांक 28-11-2006 को हमारे हस्ताक्षर व मोहर सहित जारी हुआ।

मोहर।

मनोज कुमार,

नायब तहसीलदार एवं सहायक समाहर्ता द्वितीय श्रेणी, पालमपुर, जिला कांगड़ा (हि 0 प्र 0)।

आज दिनांक 15-11-2006 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुआ।

मोहर।

जगदीश राम,

कार्यकारी दण्डाधिकारी, खुण्डियां, जिला कांगड़ा (हि 0 प्र 0)।

न्यायालय श्री जगदीश राम, नायब तहसीलदार व कार्यकारी दण्डाधिकारी, खुण्डियां, जिला कांगड़ा, हिमाचल प्रदेश

किस्म मुकद्दमा : जन्म पंजीकरण

निधि दायरा : 15-11-2006

निधि पेजी : 30-12-2006

श्री वीरबल पुत्र श्री सीता राम, निवासी गंधवाड़ खाम, डाकघर मुरानी, तहसील खुण्डियां, जिला कांगड़ा, हिमाचल प्रदेश प्रार्थी।

वनम

ग्राम जनता

प्रतिवादी।

विषय.—जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 की धारा 13(3) के तहत जन्म पंजीकरण हेतु प्रार्थना-पत्र।

उपरोक्त दणित प्रार्थी ने अधोहस्ताक्षरी के न्यायालय में असात्मन हाजिर होकर अपने पुत्र कातिक शर्मा को कि दिनांक 20-10-2004 को जन्मा है, की जन्म तिथि को पंचायत अभिलेख में दर्ज करवाने हेतु प्रार्थना दायर किया है।

प्रार्थी के अनुसार वह अपने पुत्र कातिक शर्मा की जन्म तिथि को स्थानीय पंचायत अभिलेख में दर्ज नहीं करवा सका है। अतः अब न्यायालय से आदेश प्राप्त करके उसकी जन्म तिथि को स्थानीय पंचायत अभिलेख में दर्ज करवाना चाहता है।

अतः प्रकरण को स्वीकृत करते हुए प्रतिवादी ग्राम जनता को सूचित किया जाता है कि यदि किसी को उपरोक्त कातिक शर्मा को कि दिनांक 20-10-2004 को जन्मा है, की जन्म तिथि पंजीकरण बारे कोई आपत्ति हो तो वह दिनांक 30-12-2006 को असात्मन या वकालतन हाजिर अदालत होकर अपनी आपत्ति दायर कर सकता है अन्यथा उक्त तिथि को किसी प्रकार की आपत्ति पेश न होने की मूल में उपरोक्त कातिक शर्मा के जन्म पंजीकरण के आदेश स्थानीय ग्राम पंचायत विकास अधिकारी को पारित कर दिए जायेंगे।

आज दिनांक 15-11-2006 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुआ।

मोहर।

जगदीश राम,

कार्यकारी दण्डाधिकारी, खुण्डियां, जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत श्री मनोज कुमार, नायब तहसीलदार एवं कार्यकारी
राजपुर, जिला कांगड़ा, हिमाचल प्रदेश

व अदालत श्री किशोरी लाल, कार्यकारी दण्डाधिकारी, जोगिन्दर
जिला मण्डी, हिमाचल प्रदेश

कस नं० 79/NT-II/06.

तारीख पेची : 28-12-2006.

मन्तोष कुमार

बनाम

सर्वसाधारण एवं ग्राम जनता

व मुकद्दमा :

Sh. Dawa Tresing s/o Sh. Karma Paru, s/o
Tibetan Colony, Chauntra, Tehsil Joginder
Nagar, District Mandi (H. P.).

बनाम

ग्राम जनता

प्रार्थना-पत्र अधीन धारा 13 (3) जन्म एवं मृत्यु पंजीकरण
प्रधिनियम, 1969.

श्री मन्तोष कुमार पुत्र श्री ईश्वर दास, निवासी महाल व मोजा
राजपुर, तहसील राजपुर, जिला कांगड़ा (हि० प्र०) ने इस समीक्षण
में प्रार्थना-पत्र दिया है कि उसकी लड़की कोमल का जन्म दिनांक
27-2-2005 को हुआ है मगर ग्राम पंचायत राजपुर के
अनिवेष्ट में दर्ज नहीं है।

अतः इस दृष्टिकोण से इस दृष्टिकोण द्वारा सूचित किया
जाता है कि यदि इस बारे किसी व्यक्ति को कोई उजर या एतराज हो
तो वह दिनांक 28-12-2006 को सुबह 10 बजे अदालत या बकायतन
हाजिर आकर प्रस्तुत कर सकता है। बाद गुजरने नियाद कोई भी
उजर या एतराज कबिले समाप्त न होगा तथा कुमारी कोमल पुत्री
श्री मन्तोष कुमार को जन्म तिथि 27-2-2005 क पंजीकरण आदेश
सम्बन्धित म्युनिपल कमिटी को पारित कर दिए जाएंगे।

प्राप्त दिनांक 30-11-2006 को हमारे हस्ताक्षर व मोहर अदालत
से जारी हुआ।

मोहर।

मनोज कुमार,

नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
राजपुर, जिला कांगड़ा (हि० प्र०)।

व अदालत श्री किशोरी लाल, कार्यकारी दण्डाधिकारी, जोगिन्दरनगर
जिला मण्डी, हिमाचल प्रदेश

व मुकद्दमा :

Mr. Taxhi Dhundup s/o Shri Dechon, r/o
Tibetan Colony, Chauntra, Tehsil Joginder-
nagar, District Mandi, Himachal Pradesh

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण
प्रधिनियम, 1969.

Mr. Taxhi Dhundup s/o Shri Dechon, r/o
Tibetan Colony, Chauntra ने इस अदालत में प्रार्थना-पत्र
मुजारा है कि प्रार्थी के परिवार का नाम पंचायत में दर्ज नहीं करा
गया। 1. Tashi Dhundup (स्वयं) 2-12-1964, 2. Mrs.
Tsering Kyizon (पत्नी) 8-10-1973, 3. Miss. Tashi
Lhamo (पुत्री) 21-12-2000, 4. Mr. Dawa Tsering
(भाई) 10-5-1956 को हुआ था परन्तु प्रजानतावक वह उनके
नाम व जन्म तिथियां नगर पंचायत के रिकार्ड में दर्ज नहीं करा
सका है।

अतः सर्वसाधारण जनता को इस दृष्टिकोण द्वारा सूचित किया जाता
है कि यदि इस बारे किसी को उजर या एतराज हो तो वह दिनांक
22-12-2006 को प्रातः 10.00 बजे अदालत में अदालत या
बकायतन हाजिर हो सकता है। अन्यथा कार्यवाही एक तरफ
प्रमद में लाई जाएगी।

प्राप्त दिनांक 21-11-2006 को मेरे हस्ताक्षर व मोहर अदालत
से जारी हुआ।

मोहर।

किशोरी लाल,

कार्यकारी दण्डाधिकारी,
जोगिन्दरनगर, जिला मण्डी (हि० प्र०)।

व अदालत श्री जोगिन्दर पटियाल, नायब तहसीलदार एवं सहायक
समाहता द्वितीय श्रेणी, सन्धोल, जिला मण्डी (हि० प्र०)

उपनाम मुकद्दमा : नाम दस्तवी तारीख पेची : 28-12-2006

श्री चमन लाल पुत्र श्री जैराम, निवासी सेहू, डाक घर धनारा,
उप-तहसील सन्धोल, जिला मण्डी (हि० प्र०)

बनाम

ग्राम जनता

विषय—नाम दस्तवी धारे।

श्री चमन लाल पुत्र श्री जैराम, निवासी सेहू, डाक घर धनारा,
उप-तहसील सन्धोल, जिला मण्डी (हि० प्र०) ने अदालत हुआ में
प्रार्थना-पत्र मय व्यान हल्की पेश किया है कि मेरा वास्तविक नाम
चमन लाल पुत्र श्री जैराम है परन्तु राजस्व रिकार्ड मुहाल से
तकरेहू व मुहाल बलासी, उप-तहसील सन्धोल में चमाक राम लि.
गया है जो कि गलत है। अतः राजस्व रिकार्ड मुहाल सेहू, तकरेहू
व बलासी में मेरा नाम चमाक राम उर्फ चमन लाल लिखे जाने के
आदेश चाहे है।

अतः सर्वसाधारण को इस दृष्टिकोण द्वारा सूचित किया जाता
है कि इस बारे किसी व्यक्ति को कोई उजर या एतराज हो तो
वह दिनांक 28-12-2006 को प्रातः 10.00 बजे अदालत या
बकायतन हाजिर हो सकता है। कोई उजर या एतराज प्राप्त न होने की सूत्र में मुकद्दमा का
फैसला नियमानुसार कर दिया जाएगा।

प्राप्त दिनांक 20-11-2006 को मेरे हस्ताक्षर व मोहर अदालत
से जारी हुआ।

मोहर।

जोगिन्दर पटियाल,

सहायक समाहता द्वितीय श्रेणी,
सन्धोल, जिला मण्डी (हि० प्र०)।

व अदालत महायुक्त समाह्वान प्रथम श्रेणी सरकाषाट,
जिला मण्डी, हिमाचल प्रदेश

In the Court of Shri O. P. Kant, Sub-Divisional
Magistrate Shimla (R), District Shimla, Himachal Pradesh

Shri Mukand Lal s/o Shri Prakash Sharma s/o
Village Cheotha, Tehsil and District Shimla. Applicant.

Versus

General Public

मुकदमा शीर्षक :

श्री शंकर दारा पुत्र नील राम, गांव कोहण, ईलाका घनतपुर,
तहसील सरकाषाट, जिला मण्डी, हिमाचल प्रदेश प्राची ।

बनाम

ग्राम जनता

प्रत्यार्थी ।

प्राथम्य-पत्र दस्तवी नामा महाल कोहण :

श्री शंकर दाम पुत्र नील राम, निवासी कोहण, ईलाका
घनतपुर ने इस न्यायालय में प्राथम्य-पत्र पेश किया है कि उसका
शही नाम शंकर दाम है। परन्तु राजस्व रिफाई मुहाल कोहण में
गलती से उसका नाम शुरू दर्ज है ।

अतः ग्राम जनता को इस्तहार द्वारा सूचित किया जाना है
कि यदि किसी व्यक्ति को उक्त नाम दस्तवी बारे कोई एतराज
हो तो वह घसालतन या वकालतन दिनांक 23-12-2006 को
प्रातः दम बजे पेश कर सकते हैं । गैर हाजिरी की सूत में
कार्यवाही एक प्रतीय घमल में लाई जायेगी ।

आज दिनांक 21-11-2006 को हमारे हस्ताक्षर व मोहर अदालत
से जारी हुआ ।

मोहर :

हस्ताक्षरित/-

सहायक समाह्वान,

प्रथम श्रेणी सरकाषाट,

जिला मण्डी, हिमाचल प्रदेश ।

व अदालत महायुक्त समाह्वान द्वितीय श्रेणी रोहड़, जिला शिमला,
हिमाचल प्रदेश

1 श्री देवगुण सिंह पुत्र श्री कृष्ण सिंह, 2 श्रीमती वसुदी देवी
स्व० श्री प्रशवनी कुमार, 3 श्री विनीत पुत्र स्व०
श्रीमती कुमार, 4. कुमारी प्रमोदी पुत्री स्व० श्री प्रशवनी कुमार,
निवासीगण ग्राम गावणा, तहसील रोहड़, जिला शिमला, हिमाचल
प्रदेश प्राचीगण ।

बनाम

ग्राम जनता

प्रत्यार्थी ।

विषय:-तत्वीक इतकाल बरास्त श्री सिधू राम पुत्र धनसुख,
निवासी गावणा, वहक प्राचीगण ।

प्राचीगण उपरोक्त ने इस न्यायालय में दरखास्त देकर प्राथम्य
की है कि श्री सिधू राम पुत्र धनसुख, निवासी गावणा ने
वर्ष 1990 में एक वसोयत उनके नाम दर्ज कराई थी । उक्त
श्री सिधू राम 1992 से लापता है उसके जन्मा व मूर्दी होने
बारे कोई पता न है । प्राचीगण ने निवेदन किया है कि उक्त
श्री सिधू राम की बरास्त का इतकाल मुताबिक वसोयत वहक
प्राचीगण दर्ज किया जावे ।

अतः इस्तहार द्वारा ग्राम जनता व वाणिज्यगण देह तथा
श्री सिधू राम को सूचित किया जाता है कि यदि किसी
व्यक्ति को श्री सिधू राम की बरास्त का इतकाल वहक प्राचीगण
दर्ज कराने में कोई उजर व एतराज हो तो वह दम न्यायालय
में घसालतन व वकालतन दिनांक 27-12-2006 को प्रातः
10 बजे पेश करें। दिगर सूत में एतका कार्यवाही अवल में
लाई जायेगी ।

दिनांक 20-11-2006 को हमारे हस्ताक्षर व मोहर अदालत
द्वारा जारी किया गया ।

मोहर :

हस्ताक्षरित/-

सहायक समाह्वान,

द्वितीय श्रेणी रोहड़,

जिला शिमला, हिमाचल प्रदेश ।

व अदालत श्री के० एम० लाल्टा, कार्यकारी दण्डाधिकारी, नाहन
जिला सिरमौर, हिमाचल प्रदेश

मिसल नम्बर 39/06

उनवान मुकदमा :

श्री नरेश कुमार पुत्र स्व० श्री बाज रिंगन, निवासी चावी, नहमीन
नाहन ।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु रजिस्ट्रेशन
अधिनियम, 1969.

इस अदालत में श्री नरेश कुमार प्राची ने एक नातिन
प्रस्तुत की है कि उसकी पुत्री पावल चौहान की जन्म तिथि 10-11-2004
है जो कि ग्राम पंचायत/नगर परिषद् सूत के कार्यालय में दर्ज नहीं
है। इस बारे ग्राम पंचायत एवं विकास अधिकारी/कार्यकारी अधिकारी
नगर परिषद् सूत से रिपोर्ट प्राप्त की गई कि उपरोक्त जन्म तिथि
उनके कार्यालय में दर्ज नहीं है ।

अतः बजरिया इस इस्तहार के अमस्त ग्राम जनता ग्राम पंचायत/
नगर परिषद् सूत प्राची के रिश्तेदारों को सूचित किया जाता है कि
उक्त जन्म तिथि कु० पावल चौहान के दर्ज होने बारे कोई उजर व
एतराज हो तो वह अतकालतन या वकालतन अगला उजर व एतराज
दिनांक 26-12-2006 को प्रातः 10.00 बजे प्रस्तुत कर सकते हैं ।
बाद गुजरने विगद नारीव कोई भी उजर व एतराज कावने
समायत न होगा तथा प्रकरण पर अतिम आदेश पारित कर
दिये जायेंगे ।

आज दिनांक 28-11-2006 को हमारे हस्ताक्षर व मोहर अदालत
से जारी हुआ ।

मोहर :

के० एम० लाल्टा,

कार्यकारी दण्डाधिकारी,

जिला सिरमौर (हि० प्र०) ।

ब. भदालत श्री के० एस० लाट्टा, कार्यकारी दण्डाधिकारी, नाहन
जिला सिरमोर, हिमाचल प्रदेश

भाज दिनांक 28-11-2006 को मेरे हस्ताक्षर व मोहर भेज
से जारी हुआ ।

मिसल नम्बर : 40/06.

मोहर ।

उनवान मुकद्दमा :

श्री कमलेश कुमार पुत्र श्री धर्म सिंह, निवासी कोलावाला भूड,
तहसील नाहन, जिला सिरमोर (हि० प्र०) ।

ब. भदालत श्रीमती अमिता महाजन, उप-मण्डल दण्डाधिकारी, पांवडा
साहिब, जिला सिरमोर (हि० प्र०)

बनाम

ग्राम जनता

श्री संजय धर्मा पुत्र श्री भार० सी० शर्मा, निवासी पांवडा साहिब,
तहसील पांवडा साहिब, जिला सिरमोर, हिमाचल प्रदेश ।

बनाम

ग्राम जनता

दरखास्त जेर धारा 13 (3) जन्म एवं मृत्यु रजिस्ट्रीकरण
अधिनियम, 1969.

इस भदालत में श्री कमलेश कुमार प्रार्थी ने एक नालिश प्रस्तुत की है कि उसकी पुत्री कु० भावना की जन्म तिथि 7-3-2002 है जो कि ग्राम पंचायत कोलावाला भूड के कार्यालय में दर्ज नहीं है। इस बारे में ग्राम पंचायत एवं विकास अधिकारी/कार्यकारी अधिकारी नगर परिषद् कोलावाला भूड से रिपोर्ट प्राप्त की गई कि उपरोक्त जन्म तिथि उनके कार्यालय में दर्ज नहीं है।

अतः बजरिया इस इशतहार के समस्त ग्राम जनता ग्राम पंचायत/नगर परिषद् कोलावाला भूड प्रार्थी के रिक्तेदारों को सूचित किया जाता है कि उक्त जन्म तिथि कु० भावना के दर्ज होने वाले कोई उजर या एतराज हो तो ग्राम जनता या बकालतन अपना उजर व एतराज दिनांक 26-12-2006 को प्रातः 10.00 बजे प्रस्तुत कर सकता है। बाद गुजरने मियाद तारीख कोई भी उजर व एतराज काबले समाप्त न होगा तथा प्रकरण में अन्तिम आदेश पारित कर दिये जाएंगे।

भाज दिनांक 28-11-2006 को हमारे हस्ताक्षर व मोहर भदालत से जारी हुआ ।

मोहर ।

के० एस० लाट्टा,
कार्यकारी दण्डाधिकारी,
नाहन, जिला सिरमोर, हिमाचल प्रदेश ।

ब. भदालत श्री के० एस० लाट्टा, कार्यकारी दण्डाधिकारी, नाहन
जिला सिरमोर, हिमाचल प्रदेश

मिसल नम्बर : 41/06.

उनवान मुकद्दमा :

श्री फारूक पुत्र श्री नीमार, निवासी भमरपुर, तहसील नाहन

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु रजिस्ट्रीकरण
अधिनियम, 1969.

इस भदालत में श्री फारूक प्रार्थी ने एक नालिश प्रस्तुत की है कि उसकी पुत्री कु० धर्मा की जन्म तिथि 17-3-2005 जो कि ग्राम पंचायत/नगर परिषद् नाहन के कार्यालय में दर्ज नहीं है। इस बारे में ग्राम पंचायत एवं विकास अधिकारी/कार्यकारी अधिकारी नगर परिषद् नाहन से रिपोर्ट प्राप्त की गई कि उपरोक्त जन्म तिथि उनके कार्यालय में दर्ज नहीं है।

अतः बजरिया इसतहार से समस्त जनता नगर परिषद् नाहन, प्रार्थी के रिक्तेदारों को सूचित किया जाता है कि उक्त कु० धर्मा की जन्म तिथि के दर्ज होने वाले कोई उजर व एतराज हो तो वह असातन या बकालतन अपना उजर व एतराज दिनांक 26-12-2006 को प्रातः 10.00 बजे प्रस्तुत कर सकता है। बाद गुजरने मियाद तारीख कोई भी उजर व एतराज काबले समाप्त न होगा तथा प्रकरण में अन्तिम आदेश पारित कर दिये जाएंगे।

भाज दिनांक 27-11-2006 को मेरे हस्ताक्षर व मोहर भदालत से जारी हुआ ।

मोहर ।

अमिता महाजन,
उप-मण्डल दण्डाधिकारी,
पांवडा साहिब, जिला सिरमोर (हि० प्र०) ।

ब. भदालत श्री जे० सी० शर्मा, सहायक सभाहर्ता, प्रथम अंगी, रेणुकाजी
स्थित संपड़ाह, जिला सिरमोर, हिमाचल प्रदेश

मिसल नं० : 26/2005

तारीख मरजुआ : 6-6-2005

गंगा राम पुत्र खेज प्रादि निवासी टटवा (ब्योम टटवा), तहसील
रेणुकाजी, जिला सिरमोर, हिमाचल प्रदेश

बनाम

सन्त राम पुत्र भूषा प्रादि, निवासी ब्योम टटवा, तहसील रेणुकाजी,
जिला सिरमोर, हिमाचल प्रदेश ।

दरखास्त तकसीम मुशकका भूमि बाबत खाता बतौनी नं० 115 मित/ 274 ता 360 किता 526 तादारी 2450-19-बीषा सामनात देह हत्य-रसद खेबट बाका रकबा बीषा ब्योम टटवा, तहसील रेणुकाजी, जिला सिरमोर, हिमाचल प्रदेश ।

मुकद्दमा उपरोक्त भदालत हुआ में विचारधीन है जिसमें सन्त राम लायकू दीप राम पुत्र भूषा, निवासी ब्योम, मना पुत्री भूषा पत्नी मंगल सिंह, निवासी कुलन, उप-तहसील कुपवी, सुमीठा, पदमा, सीता (नावालिम) पुत्रियां व कुलदीप पुत्र (नावालिम) दुता निवासी ब्योम बजरिया वली सरसरस्ता मस्ता देवी पत्नी दुता, रोमान लायकू पुत्र दुता, मस्ता देवी विधवा दुता, निवासी ब्योम, शिव राम पुत्र दुता, निवासी ब्योम, देवीकी पत्नी नीका राम निवासी कुलन, टोडिया, मोही राम पुत्र कासिया निवासी ब्योम, बीषा राम पुत्र बीषा, निवासी ब्योम, सुदती पत्नी जंतु निवासी टटवी, लखौरी पुत्री बीषा पत्नी नरयण सिंह, निवासी टटवी, उप-तहसील कुपवी, तुलसी राम पुत्र पृष्ठा निवासी ब्योम, मच्छी पत्नी नन्त राम, निवासी कनाबी, उप-तहसील रोहनाट, नैनु पुत्र भजन,

निवासी व्योम, मोहन नान पुत्र व दुर्गा विद्या चेत राम, निवासी व्योम, सुभद्रा चन्द पुत्र लच्छमी राम, निवासी व्योम, कान्ता पत्नी चन्द्रमणि निवासी व्यास, मेहन्दी विद्या लच्छमी राम, निवासी व्योम, गोता राम, विजय सिंह पुत्र सीसीया निवासी व्योम, सुरतो पत्नी रामसा, निवासी गोता मन्धवीर, मन्तो पत्नी बन्तो राम, निवासी गोताधर, दुर्गा पत्नी सन्त राम, निवासी गोताधर, श्रीनी पत्नी गोताधर, निवासी व्योम, मेला राम पुत्र कुन्दन सिंह, निवासी दुहरी, रान सिंह पुत्र योन्, निवासी व्योम, हीरो पत्नी जैत, सिंह निवासी डल्यान्, जोन् पुत्र मेहन्, निवासी व्योम, मेहन्दी पत्नी देवी राम, निवासी भलोना, मालो पत्नी टोट, निवासी भलोना, सोदा पत्नी बन्तो राम, निवासी बटोल, जब राम पुत्र सनिया, बन्तीया, मोहीरा पुत्र मन्तो, निवासी व्योम झरडी, पत्नी धनो व शंकटी पत्नी रमेशदत्त, निवासी कुलग सुरतो पत्नी नामालू, निवासी दुहरी, तोता राम, रस सिंह, नान सिंह पुत्रान कालीग, निवासी व्योम, सुरतो कान्ता कालीया, स्वयं व बलोमपरन्ता कु 0 रोना, कुन्ना पुत्री कान्तीया बहुराजो श्याम रेणुकाजी, शानि पुत्री कालीया, निवासी टुडाई, चम्मी पत्नी मोही राम, निवासी भनाईना, उर-तहसील कन्वी, मुन्नी पत्नी सुख राम, निवासी भनाईना, रिक्की राम, बहादुर राम, राम, राम कृष्ण, पुत्र धात्रू, निवासी व्योम, जन्तो विद्या धात्रू स्वयं व बलोमपरन्ता बिन्ता पुत्री धात्रू, निवासी व्योम, कोमट, दोलता पुत्रान मोना, निवासी व्योम, कनको सुन्दरी पुत्रियां मोना पतियां नामालू, निवासी कुलग, देवी राम, हात्रू राम, रात्रू केशव सिंह पुत्रान. जातो राम, निवासी कुलग, तारो देवी विष्णो दुर्गा पुत्रियां जाती राम, निवासी कुलग, हीरा सिंह चन्दमेन, कृपा राम जीवन सिंह पुत्रान फकीर, निवासी व्योम, रामदेई पत्नी मिता राम, निवासी कुलग केदारो, पुत्री फकीर, निवासी कुलग, नतो विद्या फकीर, निवासी व्योम, भनन्त राम, धनी राम, देव राज पुत्रान बन्ती, निवासी व्योम, मुन्नी देवी पत्नी मगत, राम निवासी टुडाई, कला देवी पत्नी बन्ती राम, भीरू सुपुत्र हरी राम, निवासी व्योम, मुन्नी बकटी, पतियां जातो राम, निवासी बटोल, बन्तो राम पुत्र मोभा राम, निवासी बगियां (फौत) जायज बारिस नाल सिंह रमेश पुत्र व हीरो विद्या बन्ती राम, निवासी बटोल, मेहन्दी, छतरो पतियां मेला राम, निवासी बटोल, न्यासी पुत्री बन्तो राम, निवासी बन्ती, जू पुत्र सोभा, निवासी बगियां (फौत) जायज बारिस मोहर सिंह, पुत्र जट्ट, निवासी बगियां, सुन्दर सिंह पुत्र सोभा, मिन्की विद्या सोभा, निवासी बगियां, ज्ञानम सिंह पुत्र काजिया, सोम दत्त पुत्र जीवन सिंह, निवासी बगियां, इन्दा देवी पत्नी धोम प्रकाश, निवासी बटोल, श्यामा देवी पुत्री जीवन सिंह, निवासी व्योम, सीमा देवी मन्त पुत्रियां जीवन सिंह (माहासिग) द्वारा पिता, मूरतू-जीवण, दोलत राम, कंठी राम, पुत्रान आबाला राम, चन्द, दलोप सिंह, मोहन नान, विलग सिंह पुत्रान लगन, निवासी व्योम, दुर्गा पत्नी वीर सिंह, निवासी भलानो, बिचाडी पत्नी डोल्तू राम, निवासी कनाडी, मूरतो पत्नी संत राम, निवासी कुलग, उतो पत्नी बिबन्नाय, निवासी भमरा, फुन्दी पुत्री लमनू (फौत), जायज बारिस रमेश, विद्यानय, निवासी बोधधर, श्यामा पत्नी रमेश, निवासी संजडाह (डाहर, सुन्दरी पत्नी लाक राम, निवासी बटोल, फलमा, पत्नी दीप राम, निवासी कुजहां, कोणत्या पत्नी सही राम निवासी कुलग, बिजी-मुरमी विद्या व्योम, रमेश कुमार पुत्र शावणो, गङ्ग पुत्र शावणो, कोणत्या, श्यामा पुत्रियां शावणो, निवासी बोधधर, शावणो, पुत्री मोती राम, निवासी चापल, जागर सिंह, आशरा राम पुत्र मेहन् सिंह, निवासी व्योम, मुन्नी मेहन् सिंह, निवासी चाइना, दया देवी, पत्नी देवी राम, निवासी किण, पनोग, बीजा राम, हुक्मी राम पुत्र मोहलू निवासी व्योम, चान्द सिंह पुत्र सीता राम, निवासी व्योम, हीरो देवी पत्नी नैण, निवासी कुलग, सुभोना पत्नी मंगत राम, निवासी टुडाई, भमको विद्या सीता राम, सुरेश, प्रेमचन्द, दिवंग पुत्र बन्ती राम, निवासी व्योम, बंध प्रकाश प्रदीप कुमार, पुत्रान, केसर राम, मनोप, मंगीता पुत्रियां बिबा, निवासी व्योम, विद्या विद्या केवल राम, निवासी व्योम, कृष्णा पत्नी मंगत राम, निवासी टुडाई, श्यामा, इन्दा पुत्रियां व झरडी विद्या बन्ती राम, निवासी व्योम, मालो पुत्री मोहलू (फौत) जायज बारिस दोलत राम पुत्र सासो, निवासी बटोल, हरी राम पुत्र व विबन्तो पुत्री बार, निवासी व्योम, बिगो पुत्री बार, निवासी भलोना, नतो पुत्री बार, निवासी मोदिग, रूप सिंह, जालम सिंह, नैर सिंह पुत्रान बट्टे, निवासी व्योम, दीप राम, दोलत राम पुत्र जीतू, हीरानी पत्नी बन्ती, निवासी भलोना, नोमी पत्नी मोहन लाल, निवासी टुडाई, तोता पत्नी तुलसी राम, निवासी भलोना, मुनीता पुत्री जीतू, निवासी भलोना, लजनी विद्या, पुत्रा राम पुत्र जोतू, वैणी, निवासी व्योम, लच्छमी पत्नी रूप सिंह, निवासी चाइना, सांगटी विद्या बेणी, निवासी व्योम, (फौत) जायज बारिस तुला राम लच्छमी पुत्र व पुत्री बेणी, रघू-जगत राम सन्त लाल, रोशन लाल पुत्रानी पत्नी राम, निवासी व्योम शर्वा, पत्नी धरम, निवासी कुलग, सुपारी पत्नी रमेश कठियाण, सुया पत्नी दोण, निवासी कुलग, मीरा पत्नी मस्त राम, निवासी टुडाई, सुपया पत्नी

पोली विद्या जोईया (फौत) जायज बारिस मेहन्दी, माहन सिंह पुत्र रणीया, निवासी व्योम, चन्द्रकला पत्नी नन राम, निवासी भलोना, सुन्दरी विद्या रणीया, निवासी व्योम, जाती राम पुत्र नान राम, मेला राम पुत्र व श्रेणी विद्या श्रेणी, निवासी व्योम, पितर राम पुत्र कमता स्वयं व जायज बारिस मोनी राम पुत्र कमता, निवासी व्योम, देवी सिंह पुत्र काजिया, मोनी राम पुत्र गुया, निवासी व्योम, माहोना पत्नी मोती राम, निवासी दाविद, कुन्दन सिंह पुत्र मोन राम स्वयं व जायज बारिस बन्ती राम, निवासी व्योम, लच्छमी विद्या मेईया, निवासी बटोल, मोनी पत्नी धोम, निवासी बटोल, जायज बारिस पुत्र कनी राम, बन्ती राम पुत्र मोरतू, निवासी व्योम, तुलसी राम पुत्र मोरतू, हिता पुत्र भजन, निवासी व्योम, कान्ता विद्या छट्टा (फौत) जायज बारिस मोना राम पुत्र वट्टा, निवासी कण्ठो बटोल, भंता पुत्रा भन्नू (फौत) जायज बारिस राम सिंह, पुत्र नानारा, निवासी कुलग, शिन्की पत्नी बन्ती राम, निवासी काडो बटोल, उदय सिंह, नैर सिंह, पुत्र शंकर, निवासी व्योम, तुलसा पत्नी भणिया कनाडी, गणेशो पत्नी चन्दन सिंह, निवासी बटोल केंप पुत्री मोती राम, जीतू पुत्र ज्ञानम, निवासी व्योम, मुरन दुबडी, जावणी, पुत्रियां ज्ञानम निवासी पाव हनुयारी, प्रताप सिंह, बालक राम, विजय कुमार मुरदन गुलान, छोट, निवासी व्योम, मुनोल गोता, बिबन्ता पुत्रियां छोट, निवासी कुलग/चुनवीरोड/बटोल तुलसा विद्या छोट, निवासी व्योम, मुरतो पत्नी लालकू, निवासी शिया, दुम्पडी, जावणी, पुत्रियां, ज्ञानम, निवासी पाव/हनुयारी, देवी राम, दया, बिबाना, ब्यान्, पुत्रान रोडा, निवासी व्योम, उतो पत्नी धनी निवासी कुलग, मुरतो पत्नी मायकू, निवासी शिया, मन्दना पत्नी ज्ञानम, निवासी भलोना, दुर्गा, मेहन्दी, पुत्रियां रोडा, निवासी कुलग/शिखपुर, मूसा विद्या रोडा (फौत) जायज बारिस, बीर सिंह पुत्र सीसिया, निवासी शिवाहन, जयनो-सुरतो, मस्तो पुत्रियां सीसीया, निवासी शिवाहन, सुन्दर सिंह, देवां राम, बीर सिंह, तुलसी राम, बहादुर सिंह पुत्रान, दंडियान, निवासी शिवाहन, गंगा राम, बन्तो, पुत्र नरपू, निवासी व्योम, बिगाडी पत्नी कर्नाय, निवासी भेनाबाना, मुरतो, फुन्दी, सुपारी, सुन्दरी मोनी पुत्रियां व विद्या बन्ती, निवासी व्योम, दीपां मोही पुत्रियां, दोलत राम, मया कृपि पुत्रियां, रूप सिंह निवासी व्योम, हिता राम मंगत राम सुविद्या पुत्रान कण्डयान, निवासी व्योम, दीबडी, विद्या मोला संजना पुत्रियां व विद्या कडयान, निवासी व्योम, नीव राम पुत्र ब्रनर, निवासी व्योम, किडी पुत्री नैण, हीरो मेहन्दी पुत्रियां, नैण कुन्दा, मूरत राम, रग सिंह, साकन राम, श्यामा राम दलोप सिंह पुत्रान, मोभा, निवासी व्योम, शानि देवी/बपी देवी नाजरो देवी पुत्रियां मोभा, निवासी, कानाडी/भलोना/अजरोली, मोही राम पुत्र हर निवासी व्योम, चान्दना देवी पुत्री देव, निवासी व्योम (फौत) जायज बारिस डोल्त, नन्ना, भुषिया, नीता राम, दोलत राम, कृष्णिया पुत्रान डाह, निवासी जाल्को, नैर सिंह पुत्र मायकू, निवासी व्योम, चान्दन्. मनिया पुत्रान कालीया, निवासी पंजोहा, चन्द्रकला, पत्नी रमेश डाहर, कृष्णा पुत्री मोन सिंह, पत्नी केदार सिंह, निवासी कफनाहां, कमता पत्नी मही राम, निवासी कोरग, अन्नर सिंह, हुस्मी राम पुत्रान, धर्म सिंह, निवासी टटवा, पूवी सिंह पुत्र बन्ती, निवासी टटवा, श्यामजो पुत्री बन्ती, निवासी टटवा, गोपाल सिंह, बन्ती राम, इन्द्र सिंह पुत्रान भूरा सिंह, निवासी कोरग, जैनी पुत्री फकीर, निवासी टटवा, मंगल सिंह, ज्ञानम सिंह, दलोप सिंह पुत्रान मही राम, निवासी कुन्दाहां, नारा देवी पत्नी अन्नर सिंह, निवासी टिककर, मेहन्दी पत्नी भुषिया निवासी हलाहां, रणीया, कैदिया, पुत्रान मोभा, निवमी टिकरी, मुरतो, बीगता पुत्रियां मोभा, निवासी कफालन/पैहन, मोहन सिंह पुत्रान व कुन्ना, लच्छमी पुत्रियां काल्ती, निवासी टिकरी, गोता मयूरी पुत्रियां व दुर्गा विद्या लमनू, निवासी मधोरी, कलीया पुत्र व जानकी पुत्री टिकनी, निवासी मधोरी, बीगो पुत्री हरीया, निवासी टटवा, सनिया पुत्र ज्ञाना, निवासी कोरग, रोडा/मोही राम, पुत्रान डात्रू, व मुरमी पुत्री डात्रू, निवासी टटवा/अन्नर, मिनाको पत्नी साधू राम, निवासी कफनाहां, भूरा पत्नी भजू राम, निवासी बाडोनी, फिजको विद्या खुल्, निवासी टटवा, अन्नो पत्नी साधू राम, निवासी बट्ट, मूरतू पुत्र झरडी, निवासी कोरग, जीवणी पुत्री जन्व, निवासी कोरग, नाजरो पुत्री कलम, निवासी टटवा, सीता राम पुत्र रोडा, निवासी टटवा, चान्दन्, पुत्र बोल्, निवासी मूरतू टटवा, सजनी पुत्र बोल् निवासी टटवा, विमनो पुत्र बोल्, मूरतू पुत्र कलीया, कण्डयान, निवासी टटवा, ज़ारी, विद्या सोहजा, निवासी टटवा, हीरा सिंह, पुत्र कमीया, निवासी पंजोहां, न्यामजो, भंता, शिवी, निवासी टटवा, उदय सिंह, नैर सिंह, विव पुत्रान जस्मा, निवासी टटवा, तुलसा, गणेशो पुत्रियां जस्मा, निवासी टटवा, केंप, पुत्र मोहोर, निवासी टटवा, केंप, जगत राम, नीका राम, नुषाय, विनोद, विपन पुत्र हुक्मी, निवासी पंजोहां, रामपु पुत्र पान्जी (फौत) जायज बारिस बसोया, जीतू, कुन्दन नकट, पुत्रान रामसा, निवासी पंजोहां, तहसील रेणुकाजी को फोरमनियान बनाया गया है। प्रधान द्वारा इन्हें

बार-बार मनन जारी करने पर तामील नहीं हो रही है। प्रदालत ने इस मामले को चुका है कि इन्हें साधारण तरीके से तामील नहीं हो सकती। अतः इस प्रदालत के अन्दर के माध्यम से की-कसानियान उपरोक्त को सूचित किया जाता है कि धरम व मर्यादा उपरोक्त भूमि तकसीम शाहलात देह में कोई कार्यवाही कर या चढ़ाई नहीं किया जायेगा 30-12-2006 को प्रातः 10.00 बजे हमारी मर्यादा में हाकिम आकर पैरवी मुकदमा कर सकते हैं। बाद मरुतने मियाद कोई कार्यवाही कावले सवाल न होगी तथा नियमानुसार एकपक्षीय कार्यवाही चलन में लाई जायेगी।

मान दिनांक 30-9-2006 को हमारे हस्ताक्षर/मोहर प्रदालत से जारी किया गया।

मोहर : जे 0 सी 0 शर्मा,
सहायक समाहर्ता प्रथम श्रेणी,
रेणुकाजी स्थित संगडाह, जिला सिरमौर।

ब प्रदालत श्री जे 0 सी 0 शर्मा, सहायक समाहर्ता प्रथम श्रेणी, रेणुकाजी स्थित संगडाह, जिला सिरमौर, हिमाचल प्रदेश

मिसल नं 0 तारीख : मर 2004

राजेश्वर प्रसाद पुत्र उदय सिंह, निवासी टिकरी, तहसील रेणुकाजी, जिला सिरमौर, हिमाचल प्रदेश

नाम
ग्राम जनता

दस्तावेज बराये दस्तवी नाम।

प्राणी उपरोक्त ने प्रदालत देना में दस्तावेज दस धाराय के साथ गुजारी है कि उसका नाम राजेश्वर प्रसाद है जो कि गिला विभाग के रिकार्ड में नहीं दर्ज है परन्तु राजस्व प्रभिलेख में उसका नाम राजेश्वर सिंह दर्ज है जो कि गलत है जिसकी वह दस्तवी करवाना चाहता है।

अतः इस प्रदालती इत्यतः के माध्यम से ग्राम जनता/समे सम्बन्धित सूचित किया जाता है कि प्राणी उपरोक्त का नाम राजस्व प्रभिलेख में किसी शकल को दर्ज करने में कोई उल्लंघन/तुलना हो ता वह दिनांक 22-12-2006 को प्रातः 10 बजे हमारी प्रदालत में हाकिम आकर पैरवी कर मुकदमा कर सकता है। बाद मरुतने मियाद कोई कार्यवाही कावले सवाल न होगी तथा नियमानुसार एकपक्षीय आदेश पारित कर दिये जायेंगे।

मान दिनांक 19-9-2006 को हमारे हस्ताक्षर/मोहर प्रदालत से जारी किया गया।

मोहर : जे 0 सी 0 शर्मा,
सहायक समाहर्ता प्रथम श्रेणी,
रेणुकाजी स्थित संगडाह, जिला सिरमौर (हि 0 प्र 0)।

ब प्रदालत श्री जे 0 सी 0 शर्मा, सहायक समाहर्ता प्रथम श्रेणी रेणुकाजी स्थित संगडाह, जिला सिरमौर, हिमाचल प्रदेश

मिसल नं : 20/2004 ता 0 मर 2004 : 30-6-04

धरम चन्द पुत्र बत्ती राम निवासी हूंगी, तहसील रेणुकाजी, जिला सिरमौर, हिमाचल प्रदेश आदि
नाम

बेत राम, भजन सिंह पुत्र रूप सिंह, निवासीगण, कड़ियाना, तहसील रेणुकाजी, जिला सिरमौर, हिमाचल प्रदेश आदि

दस्तावेज तकसीम मुकदमा भूमि जता खतो नं 0 107/185 ता 230 जिता 230 तारीखी 2105-4 बीधा, भलवाण्ड शाहलात देह श्रेयत बनाया गया मोजा हूंगी, तहसील रेणुकाजी, जिला सिरमौर, हिमाचल प्रदेश।

अतः इस प्रदालत देना में विचारधीन है जिसमें फौदस्ता-नितन सर्वेक्षी/नीमती भजन सिंह पुत्र रूप सिंह, निवासी कड़ियाना,

मिलकी पत्नी मेहर सिंह, निवासी बाबलत, अमनली पत्नी सुरा निवासी टिकरी (संगडाह), जिला सिरमौर, पुत्र बत्ती सिंह, निवासी कड़ियाना, कर्मदा देवी, बत्ती देवी पुत्रियां बत्ती सिंह, निवासी रमबा/नामपल्लर रूपी देवी, हरी चन्द पुत्र हीरा सिंह, कान्ती पुत्री प्रेम निवासोगण कड़ियाना, सुभाषकुमार पुत्र दीप राम, मन्नी विधवा अमनली निवासोगण कड़ियाना, हेरो-नाजरी पुत्रिया देवी राम (फौत) जायज वारिस ईश्वर पुत्र देवी राम, निवासी कड़ियाना (हकीकी बाई), राम नाम पुत्र सायर सिंह, निवासी कड़ियाना (फौत) जायज वारिस भीम सिंह, बंद प्रकाश पुत्र राम नाम, निवासी कड़ियाना, रेखा विधवा रतन सिंह निवासी भाटी, लुसल पुत्री बत्ती सिंह, पत्नी रती राम, निवासी लवानी (फौत) मन्नी विधवा सुन्दर सिंह, निवासी माईना, हनु चन्द पुत्र कली राम, निवासी हनुकी, कान्ती, मधुरा पुत्रिया कली राम, निवासोगण, संगडाह टिकरी, कर्मदा कुमार पुत्र वसुन्धरी, उमिला, मन्नी, मन्नी जमना/उषा गुरुडी पुत्रिया कुन्दन, निवासी हूंगी स्वयं व जायज वारिस भाग देवी विधवा निवासी कुन्दन निवासी हूंगी, इन्द्र सिंह पुत्र नैन सिंह, निवासी हूंगी, भानन्द पुत्र हूंगी निवासी हूंगी, जलकालीनी गंगा रतन,

निवासी दुहरी, लच्छी राम पुत्र, पद्मापुत्री, माहा पुत्र हनुकी, गुलाब सिंह निवासोगण भांड, जिला जिला, राम देवी पुत्री मांगा निवासी सिरमौर, सवाल, चरण दासपुत्र व चीपा विधवा बत्ती निवासी सिरमौर, भांति, मन्नी, लाडा पुत्रिया बत्ती निवासी सिरमौर, अमनली, चन्दमणि पुत्र व कुमार बत्ती पुत्री हरी चन्द (नावासिग) बलातरपस्ता कान्ती, विधवा हरी चन्द, निवासी सिरमौर, कान्ता देवी विधवा, हरी चन्द, सुवदा देवी पत्नी बेत राम, मेला राम पुत्र व कमला पुत्री बत्ती राम, निवासी सिरमौर, मधुरा, कुन्दा पुत्रिया मन्नी, निवासी सिरमौर अमनली पुत्र कुन्दन निवासी (डाहूर (संगडाह) हाल नाम बाबल तहसील टिकरी, लख राम, धरम चन्द उदे राम पुत्र, कुन्दन, निवासी बत्ती, लच्छी पत्नी मोहन लाल, निवासी नामपल्लर, सायर सिंह पुत्र कली, बत्ती राम, पुत्र व सुमोरी पुत्री प्रेम, निवासी डाहूर/सिरु सुतो विधवा दया राम, निवासी डाहूर, दलीप सिंह, पुत्र मोही राम निवासी हूंगी, मेही विधवा जाती राम, जीवन सिंह, भीम सिंह, मोन्द पुत्रान बत्तीराम, हूंगी स्वयं, व विधादेवी, निवासोगण, सोला देवी लच्छी देवी, कुमार स्वयं व जायज वारिस सुनीता देवी हीरो विधवा यस्ती राम, निवासी-हूंगी, खजानी पुत्री योमती नोमी, निवासी बज्ज, सन्तो डाका पुत्रिया, मधुरा सिंह, निवासी दाना, नरायण सिंह, पुत्र रती राम, निवासी संगडाह, (फौत) जायज वारिस विधवा, देवि-दय सिंह, रेखा सता पुत्रिया नरायण सिंह, निवासी सिरु,

भगवान सिंह पुत्र रती राम, निवासी संगडाह (फौत) जायज वारिस कोषया देवी, पत्नी दलीप सिंह निवासी बत्ती, हेरो, पत्नी चान्द, निवासी जावना संगडाह, कोला पुत्री चान्द, निवासी माणक, ध्याम पुत्रान वाक, निवासी हूंगी, रतनी पुत्री चान्द (फौत) जायज वारिस प्रवेश पुत्र चान्द निवासी जावना, दालत राम, पुत्र पुत्रान मुरतु निवासी हूंगी, बोलेंद्र पुत्र मुरतु (फौत), जायज वारिस बोलेंद्र राम, पुत्र, कुन्दन, राज पुत्रान मुरतु, निवासी हूंगी, मेधुरा देवी विधवा व लीला पुत्री वसन्त, निवासी हूंगी/बाम, दया राम पुत्र पि. डू, सुमोरी विधवा व आनवी पुत्री शिव, निवासी हूंगी, लच्छी पत्नी बहादुर सिंह, निवासी हूंगी, राबू, पुत्र व विधा, विधवा मोहन निवासी हूंगी, मन्नी, पुत्र बाणू, निवासी हूंगी, मोहन लाल पुत्र मन्नी, मोन प्रकाश पुत्र बत्ती राम निवासोगण, हूंगी, कुन्ती पत्नी चान्द सिंह, निवासी पांटा साहिब, मेला राम चरण दास पुत्रान, विमल सिंह, निवासी संप, स्वयं व सुमोरी, नीला पुत्रिया विमल सिंह, निवासोगण, सैज/संगडाह स्वयं व जायज वारिस मन्नी विधवा विमल सिंह निवासी हूंगी, सुभाष चन्द, पुत्र जीत राम निवासी हूंगी, हन्दा देवी पत्नी लख राम, निवासी हाल जिला हस्तगत नहिण, पद्मा देवी विधवा जीत राम, निवासी हूंगी, तहसील रेणुकाजी, जिला सिरमौर, हिमाचल प्रदेश को प्रदालत देना द्वारा बार-बार मनन जारी करने पर भी दस्तावेज नहीं हो रही। प्रदालत को पूरा यकीन हो जाता है कि इन्हें अब साधारण तरीके से तामील नहीं हो सकती। अतः प्रदालती/हस्ताक्षर के माध्यम से फौदस्ता-नियान उपरोक्त को सूचित किया जाता है कि धरम चन्द मुकदमा उपरोक्त में कोई पैरवी करना चाहे तो वह दिनांक 22-12-2006 को प्रातः 10 बजे हमारी प्रदालत में प्रदालतन/कालतन हाकिम आकर पैरवी मुकदमा कर सकते हैं। बाद मरुतने मियाद कोई कार्यवाही कावले सवाल न होगी तथा नियमानुसार एकपक्षीय कार्यवाही चलन में लाई जायेगी।

अतः इस प्रदालती इत्यतः के माध्यम से ग्राम जनता/समे सम्बन्धित सूचित किया जाता है कि प्राणी उपरोक्त का नाम राजस्व प्रभिलेख में किसी शकल को दर्ज करने में कोई उल्लंघन/तुलना हो ता वह दिनांक 22-12-2006 को प्रातः 10 बजे हमारी प्रदालत में हाकिम आकर पैरवी कर मुकदमा कर सकता है। बाद मरुतने मियाद कोई कार्यवाही कावले सवाल न होगी तथा नियमानुसार एकपक्षीय आदेश पारित कर दिये जायेंगे।

मान दिनांक 19-9-2006 को हमारे हस्ताक्षर/मोहर प्रदालत से जारी किया गया।

मोहर : जे 0 सी 0 शर्मा,
सहायक समाहर्ता प्रथम श्रेणी,
रेणुका स्थित संगडाह, जिला सिरमौर (हि 0 प्र 0)।

ब प्रदालत श्री जे 0 सी 0 शर्मा, सहायक समाहर्ता प्रथम श्रेणी रेणुका स्थित संगडाह, जिला सिरमौर, हिमाचल प्रदेश

मिसल नं : 13-10-2006 को हमारे हस्ताक्षर मोहर प्रदालत से जारी किया गया।

मोहर : जे 0 सी 0 शर्मा,
सहायक समाहर्ता प्रथम श्रेणी,
रेणुका स्थित संगडाह, जिला सिरमौर (हि 0 प्र 0)।

ब्रह्मान्त श्री जिवंदर कुमार हंस, उप-पंजीपाल (तहसीलदार), तहसील
गिलाई, जिला सिरमौर, हिमाचल प्रदेश
श्री यतार सिंह पुत्र श्री मही राम. साकिन बेला, तहसील गिलाई,
जिला सिरमौर, हिमाचल प्रदेश।

बनाम

1. ग्राम जनता

2. श्रीमती सन्तो देवी पुत्री श्री सही. राम पत्नी भदन सिंह, ग्राम
पारसी, तहसील गिलाई, जिला सिरमौर, हिमाचल प्रदेश।

विवान मुकद्दमा—प्रार्थना-पत्र किए जाने पंजीकृत वसीयतनामा
अनरजिस्टर्ड जेर धारा 40/41.

उपरोक्त मुकद्दमा में प्रार्थी श्री यतार सिंह पुत्र श्री मही राम ने इस
न्यायालय में प्रार्थना-पत्र गजारा है कि श्रीमती मन्तो देवी विधवा श्री
जालम सिंह, साकिन भटनोल, तहसील गिलाई, जिला सिरमौर ने
दिनांक 27-3-2006 को वसीयत तहरीर करवाई है जो पंजीकृत नहीं
है; उनके हक में पंजीकृत की जाए। वसीयतकर्ता की मृत्यु दिनांक
26-7-2006 को हो चुकी है।

इसलिए ग्राम जनता व इससे सम्बन्धित व्यक्तियों को इस
इस्तहार के माध्यम से सूचित किया जाता है कि उपरोक्त वसीयत के
पंजीकृत करने वारा किसी किस्म का उजर एतराज हो वह दिनांक
28-12-2006 को प्रातः 10.00 बजे अमालतन या वकालतन
हाजिर अदालत अपना एतराज पेश कर सकता है अन्यथा हाजिर न
आने की सूत्र में एक पक्षीय कार्यवाही अमल में लाई जाएगी।

प्राज दिनांक 23-9-2006 को मेरे हुस्ताअर व मोहर अदालत
में जारी हुआ है।

जिवंदर कुमार हंस,
उप-पंजीपाल,
जिलाई, जिला सिरमौर, हिमाचल प्रदेश।

ब्रह्मान्त श्री जिवंदर कुमार हंस उप-पंजीपाल (तहसीलदार), गिलाई
जिला सिरमौर, हिमाचल प्रदेश

श्री रतन सिंह पुत्र श्री जालम सिंह, ग्राम भटनोल, तहसील गिलाई,
जिला सिरमौर, हिमाचल प्रदेश।

बनाम

1. ग्राम जनता।

2. श्रीमती विद्या देवी पुत्री श्री जालम सिंह पत्नी श्री कुन्दन सिंह,
ग्राम कान्ठो (बोहल)।

3. श्रीमती सन्तो देवी पुत्री श्री जालम सिंह पत्नी श्री कंवर सिंह ग्राम
झिपटी।

4. श्रीमती सत्या देवी पुत्री श्री जालम सिंह पत्नी श्री राबू, ग्राम
ब्याईला।

5. श्रीमती तारा देवी पुत्री श्री जालम सिंह पत्नी श्री तपेन्द्र, ग्राम
ब्योग, उप-तहसील कमरऊ, जिला सिरमौर।

प्रार्थना-पत्र किए जाने पंजीकृत वसीयतनामा अनरजिस्टर्ड जेर धारा
40/41 के अन्तर्गत।

उपरोक्त मुकद्दमा में प्रार्थी श्री रतन सिंह पुत्र जालम सिंह,
ग्राम भटनोल, तहसील गिलाई ने इस न्यायालय में प्रार्थना-पत्र गजारा
है कि उनकी माता श्रीमती मन्तो देवी पत्नी स्व० जालम सिंह, निवासी
भटनोल, तहसील गिलाई, जिला सिरमौर, हिमाचल प्रदेश ने दिनांक
23-9-2006 को वसीयत तहरीर करवाई है जो पंजीकृत नहीं है
उनके हक में पंजीकृत की जाए। वसीयतकर्ता की मृत्यु दिनांक
26-7-2006 को हो चुकी है।

इसलिए ग्राम जनता व इससे सम्बन्धित व्यक्तियों को इस
इस्तहार के माध्यम से सूचित किया जाता है कि उपरोक्त वसीयत

पंजीकृत करने वारा किसी किस्म का उजर एतराज हो तो वह
दिनांक 29-12-2006 को प्रातः 10 बजे अमालतन या वकालतन
हाजिर अदालत अपना एतराज पेश कर सकता है अन्यथा हाजिर न
आने की सूत्र में एक पक्षीय कार्यवाही अमल में लाई जाएगी।

प्राज दिनांक 23-9-2006 को मेरे हुस्ताअर व मोहर अदालत
में जारी हुआ।

मोहर।

जिवंदर कुमार हंस,
उप-पंजीपाल,
जिलाई, जिला सिरमौर, हिमाचल प्रदेश।

ब्रह्मान्त श्री प्रेम सिंह नेगी, कार्यकारी दण्डाधिकारी, कृष्णगढ़
जिला सोलन, हिमाचल प्रदेश

श्री प्रकाश चन्द पुत्र श्री राम किशन, निवासी गांव सुनारी,
डा० दाड़वा, उप-तहसील कृष्णगढ़, जिला सोलन (हि० प्र०)।

बनाम

ग्राम जनता

प्रार्थना-पत्र दाखल जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण
अधिनियम, 1969.

श्री प्रकाश चन्द पुत्र श्री राम किशन, निवासी गांव सुनारी,
डाकघर दाड़वा, उप-तहसील कृष्णगढ़, जिला सोलन (हि० प्र०) ने
इस अदालत में प्रार्थना-पत्र मय शपथ-पत्र दिया है कि उसकी
पुत्री कु० जीतल का जन्म दिनांक 30-12-2002 को हुआ है परन्तु
इसका इन्ट्राज ग्राम पंचायत के अभिलेख में नहीं हुआ है।

अतः सर्वसाधारण को इस इस्तहार द्वारा सूचित किया जाता
है कि यदि वारे में किसी को कोई एतराज हो तो वह दिनांक
28-12-2006 को या इससे पूर्व अमालतन या वकालतन प्रातः
10 बजे हाजिर होकर अपना एतराज पेश कर सकता है।
निर्धारित अवधि के पश्चात् कोई एतराज/आपत्ति प्राप्त होने पर
काबले समाप्त न होगा तथा कु० जीतल का नाम सम्बन्धित
पंचायत में दर्ज करने के आदेश पारित कर दिए जाएंगे।

प्राज दिनांक 24-11-2006 को मेरे हुस्ताअर व मोहर अदालत से
जारी हुआ।

मोहर।

प्रेम सिंह नेगी,
कार्यकारी दण्डाधिकारी,
कृष्णगढ़, जिला सोलन (हि० प्र०)।

ब्रह्मान्त जनाब रजिस्ट्रेशन एवं मैरिज आफिसर अश्व, जिला
ऊना हिमाचल प्रदेश

विषय:—शारी पंजीकरण प्रमाण-पत्र प्रदान वारे जेर धारा 16 स्पेशल
मैरिज एक्ट 1954.

सुभाष चन्द

बनाम

ग्राम जनता।

श्री सुभाष चन्द पुत्र श्री यशपाल, गांव मंशार, डा० सूरी, तहसील
अश्व, जिला ऊना हिमाचल प्रदेश ने एक दरखास्त प्रस्तुत की है उसमें
उसने लिखा है कि उसकी शारी चन्देय कुमारी सुबुवी श्री प्रम लाल
गांव व डा० डेऊ, शहछार, तहसील रामपुर जिला शिमला के साथ
दिनांक 28-9-2006 को हुई है का पंजीकरण किया जाकर उसे
शारी पंजीकरण प्रमाण पत्र दिया जावे।

अतः इस नोटिस के माध्यम से समस्त जनता ग्राम तथा सम्बन्धित
रिश्तेदारों को सूचित किया जाता है कि यदि किसी को शारी पंजीकरण
वारे एतराज हो तो वह दिनांक 28-12-2007 को प्रातः 10.00
बजे अमालतन या वकालतन हाजिर होकर अपने उजर पेश करे अन्यथा
एक तरफ कार्यवाही अमल में लाई जाकर प्रार्थी को शारी पंजीकरण
प्रमाण पत्र जारी कर दिया जाएगा तथा बाद में कोई उजर काबले
गौर न होगा।

आज दिनांक 28-11-2006 को मेरे हस्ताक्षर व मोहर प्रदात से जारी हुआ।

व प्रदानत रजिस्ट्रेशन एवं मैरिज ऑफिसर, बम्ब, जिला ऊना
हिमाचल प्रदेश

मोहर।

हस्ताक्षरित/-

दिविन्द्र कुमार

बनाम

आम जनता।

रजिस्ट्रेशन एवं मैरिज ऑफिसर,
बम्ब, जिला ऊना, हिमाचल प्रदेश।

विषय.—शादी पंजीकरण प्रमाण-पत्र प्रदान करने बारे जेर धारा 16, स्पेशल मैरिज एक्ट, 1954.

व प्रदानत जनाब रजिस्ट्रेशन एवं मैरिज ऑफिसर बम्ब, जिला ऊना
(हि0 प्र0)

विषय.—शादी पंजीकरण प्रमाण-पत्र प्रदान करने बारे जेर धारा 16
स्पेशल मैरिज एक्ट, 1954.

नरेंद्र पाल

बनाम

आम जनता।

श्री नरेंद्र पाल पुत्र श्री स्वर्ण लाल, गांव खड्ड, डाकखाना
खड्ड, तहसील बम्ब, जिला ऊना (हि0 प्र0) ने एक
दरखास्त प्रस्तुत की है जिसमें उसने लिखा है कि उसकी शादी
शशी बाला सुपुत्री की देवी दास, गांव व डाकखाना पड़ोया
तहसील बम्ब, जिला ऊना के साथ दिनांक 14-7-2006 को हुई है,
का पंजीकरण किया जाकर उसे शादी प्रमाण-पत्र दिया जावे।

अतः इस नोटिस के माध्यम से समस्त जनता तथा
सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को
शादी पंजीकरण बारे कोई एतराज/आपत्ति हो तो वह दिनांक
26-12-2006 को प्रातः 10.00 बजे असातन या वकालतन हाजिर
होकर अपने उजर पेश करे अन्यथा एकतरफा कार्यवाही प्रमल में
लाई जाके प्राप्ति को शादी पंजीकरण प्रमाण-पत्र जारी कर दिया
जायेगा तथा बाद में कोई उजर काबिले गौर न होगा।

आज दिनांक 6-11-2006 को मेरे हस्ताक्षर व मोहर प्रदानत से
जारी हुआ।

मोहर।

हस्ताक्षरित/-

रजिस्ट्रेशन एवं मैरिज ऑफिसर,
बम्ब, जिला ऊना (हि0 प्र0)।

व प्रदानत जनाब रजिस्ट्रेशन एवं मैरिज ऑफिसर, बम्ब, जिला
ऊना, हिमाचल प्रदेश

विषय.— शादी पंजीकरण प्रमाण-पत्र प्रदान करने बारे जेर धारा
16, स्पेशल मैरिज एक्ट 1954.

संजीव कुमार

बनाम

आम जनता।

श्री संजीव कुमार पुत्र श्री कृष्ण चन्द, गांव अलेहड़ा, डाकघर
धर्मपुर, तहसील मुफियां, जिला होशियारपुर (पंजाब) ने एक
दरखास्त प्रस्तुत की है जिसमें उसने लिखा है कि उसकी शादी
नीलम कुमारी सुपुत्री श्री दीलत राम, गांव व डाकखाना लोहर
बसाल, तहसील ऊना, जिला ऊना के साथ दिनांक 8-10-2006
को हुई है, का पंजीकरण किया जाकर उसे शादी पंजीकरण
प्रमाण-पत्र दिया जावे।

अतः इस नोटिस के माध्यम से समस्त जनता तथा सम्बन्धित
रिश्तेदारों को सूचित किया जाता है कि यदि किसी को
शादी पंजीकरण बारे एतराज/आपत्ति हो तो वह दिनांक 27-12-2006
को प्रातः 10.00 बजे असातन या वकालतन हाजिर होकर अपने उजर
पेश करे अन्यथा एकतरफा कार्यवाही प्रमल में लाई जाकर प्राप्ति
को शादी पंजीकरण प्रमाण-पत्र जारी कर दिया जायेगा तथा बाद
में कोई उजर काबिले गौर न होगा।

आज दिनांक 21-11-2006 को मेरे हस्ताक्षर व मोहर प्रदानत से
जारी हुआ।

मोहर।

हस्ताक्षरित/-

रजिस्ट्रेशन एवं मैरिज ऑफिसर,
बम्ब, जिला ऊना (हि0 प्र0)।

व प्रदानत श्री एच0 एस0 बेदी, कार्यकारी दण्डाधिकारी, तहसील बंगाणा,
जिला ऊना हिमाचल प्रदेश

श्री गुरदियाल शर्मा उर्फ गुरदियाल पुत्र श्री प्रेम दास, वाली भर-
याह, के मुत्तारे ग्राम बाला श्री सुभाष चन्द पुत्र श्री सलीम राम, वाली
दुतेह, तहसील बंगाणा, जिला ऊना, हिमाचल प्रदेश प्राप्ति।

बनाम

आम जनता

प्रायेना-पत्र दावत जेर धारा 13(3) जन्म एवम् मृत्यु पंजीकरण,
प्रतिनियम, 1969.

श्री गुरदियाल शर्मा उपनाम गुरदियाल, वाली भरयाह, तहसील
बंगाणा, जिला ऊना ने इस न्यायालय में प्रायेना-पत्र गुजारा है कि
उनकी पुत्री का नाम सुरेखा रानी है व मृताबिक मैट्रिक स्कूल प्रमाण-
पत्र अनुसार जन्म तिथि 26-4-1980 है। अज्ञानवादा वह अपनी
पुत्री की जन्म तिथि ग्राम पंचायत के रिकार्ड में दर्ज न करवा सके
हैं। जिसे दर्ज करने के आदेश पारित किये जायें।

अतः सर्वसाधारण को इस इस्तहार मनादी हिमाचल प्रदेश राज्य
के माध्यम से सूचित किया जाता है कि यदि किसी व्यक्ति को उपरान्त
जन्म तिथि पंजीकरण करने में कोई एतराज हो तो वह निम्नलिखित
दिनांक 29-12-2006 को इस न्यायालय में प्रातः 10 बजे
असातन या वकालतन हाजिर अपनी एतराज प्रस्तुत कर सकता है
हाजिर न आने की मूलतः नियमानुसार कार्यवाही प्रमल में लाई
जायेगी।

आज दिनांक 14-11-2006 को मेरे हस्ताक्षर व मोहर प्रदानत
द्वारा जारी किया गया।

मोहर।

एच0 एस0 बेदी,
कार्यकारी दण्डाधिकारी,
तहसील बंगाणा, जिला ऊना, हिमाचल प्रदेश।

ब. प्रदात श्री एच० एस० वेदी, कार्यकारी दण्डाधिकारी, तहसील बंगाणा, जिला ऊना, हिमाचल प्रदेश

प्राज दिनांक 20-11-2006 को हस्ताक्षर मेरे व मोहर प्रदातन द्वारा जारी हुआ।

श्री केहर सिंह पुत्र पृथ्वी सिंह के मृत्युपर धाम खान उमकी धर्मपत्नी श्रीमती सता कुमारी पत्नी श्री केहर सिंह, वासी धरेल, तहसील बंगाणा, जिला ऊना, हिमाचल प्रदेश प्राणी।

मोहर।

चैन सिंह ठाकुर, तहसीलदार एवं सहायक समाहर्ता प्रथम वर्ग, ऊना, जिला ऊना, हिमाचल प्रदेश।

बनाम

व. प्रदात श्री चैन सिंह ठाकुर, तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, तहसील व जिला ऊना (हि० प्र०)

ग्राम जनता

श्री प्रेम कुमार

बनाम

ग्राम जनता।

प्रार्थना-ग्राम बाबात अपने लड़के का नाम बदलने दारे।

श्री केहर सिंह पुत्र पृथ्वी सिंह, निवासी गांव धरेल नन्हा, डियुनाली तहसील बंगाणा, जिला ऊना ने इस न्यायालय में प्रार्थना-पत्र गुजारा है कि उनके लड़के का नाम प्रमिल कुमार है जिसको जन्म तिथि 27-6-2002 है। वह अपने लड़के का नाम "प्रमिल" की बजाये "प्रमोद" रखना चाहते हैं। सम्बन्धित ग्राम पंचायत के रिकार्ड में "प्रमिल" की बजाये "प्रमोद" दर्ज करने के आदेश पारित किये जायें।

दरबस्त जेर घारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

श्री प्रेम कुमार सुपुत्र श्री चन्दन सिंह, निवासी गांव धरेल नन्हा तहसील व जिला ऊना ने इस प्रदातन में एक दरबस्त दी है कि उनके पुत्र आदित्य राणा का जन्म गांव नोहर अरनिवाला में दिनांक 24-9-2002 को हुआ था, परन्तु इस बारे पंचायत के रिकार्ड में पंजीकरण नहीं करवाया जा सका। अब पंजीकरण करने के आदेश दिये जायें।

अतः इस नोटिस के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त जन्म के पंजीकरण बारे कोई उजर/एतराज हो तो वह दिनांक 23-12-2006 को पृथक् 10.00 बजे अयोहस्ताक्षरी के ममस्त असावतन/वकालतन हाजिर आकर पेश कर सकता है अन्यथा उपरोक्त जन्म का पंजीकरण करने के आदेश दे दिए जायेंगे।

प्राज दिनांक 13-11-2006 को मेरे हस्ताक्षर व मोहर प्रदातन द्वारा जारी किया गया।

प्राज दिनांक 16-11-2006 को हस्ताक्षर मेरे व मोहर प्रदातन द्वारा जारी हुआ।

मोहर।

एच० एस० वेदी, कार्यकारी दण्डाधिकारी, तहसील बंगाणा, जिला ऊना, हिमाचल प्रदेश।

मोहर।

चैन सिंह ठाकुर, तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, जिला ऊना, हिमाचल प्रदेश।

व. प्रदात श्री चैन सिंह ठाकुर, तहसीलदार एवं सहायक समाहर्ता प्रथम वर्ग ऊना, हिमाचल प्रदेश

व. प्रदात नाथव तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना जिला ऊना, हिमाचल प्रदेश

श्री कुसुम कुमार सुपुत्र स्वर्गीय श्री देस राज गांव व डाकखाना ऊना, तहसील व जिला ऊना (हि० प्र०) प्राणी।

मूकहमा नम्बर : जन्म प्रमाण-पत्र।

श्री विजय कुमार

बनाम

ग्राम जनता।

बनाम

ग्राम जनता

..प्रतिवादीगण।

विषय.—दरबस्त बाबत किये जाने नाम दस्तुती जन्म एवं मृत्यु पंजीकरण रिकार्ड ग्राम पंचायत पन्डोगा, तहसील व जिला ऊना (हि० प्र०) में करने बारे।

दरबस्त जेर घारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

श्री विजय कुमार सुपुत्र श्री रणवीर सिंह, निवासी गांव अरनिवाला धरमर, तहसील व जिला ऊना ने इस न्यायालय में दरबस्त दी है कि उसके पुत्र अप्रति ठाकुर का नाम पंचायत रजिस्टर में गलती से दर्ज न करवाया जा सका है और अब दर्ज करवाया जावे। उसके सुपुत्र का नाम अप्रति ठाकुर है, जन्म तिथि 21-4-2002 तथा बच्चे का जन्म स्थान अरनिवाला है।

प्रार्थी कुसुम कुमार ने प्रदातन हुआ है हाजिर आकर एक प्रार्थना पत्र प्रस्तुत करके प्रार्थना की है कि उसकी पुत्री कृति का नाम जन्म एवं मृत्यु पंजीकरण रिकार्ड ग्राम पंचायत पन्डोगा, तहसील व जिला ऊना में किसी भी व्यक्ति या किसी रिश्तेदार/नम्बरवादी को कोई उजर/एतराज हो तो वह दिनांक 23-12-2006 को प्रातः 10-00 बजे अयोहस्ताक्षरी के न्यायालय में असावतन/वकालतन हाजिर आकर पेश कर सकता है। अन्यथा "कृति" नाम दस्तुत करने के आदेश दे दिये जायेंगे। बाद में कोई उजर मान्य न होगा।

अतः इस नोटिस के माध्यम से ममस्त जनता तथा सम्बन्धित रिश्तेदारों को सूचित किया जाता है कि यदि किसी को उपरोक्त बच्चे का नाम दर्ज होने में कोई आपत्ति हो तो वह दिनांक 26-12-2006 को प्रातः दस बजे स्वयं अपना असावतन या वकालतन इस प्रदातन में हाजिर आकर पेश कर सकता है अन्यथा एक तरफा कायवाही प्रमल में लाई जाकर प्रमाण-पत्र जारी करने के आदेश दे दिये जायेंगे।

प्राज दिनांक 21-11-2006 को हस्ताक्षर मेरे व मोहर प्रदातन द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/- नाथव तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, जिला ऊना, हिमाचल प्रदेश।

अन्य-

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिकृतता तथा अन्य निर्वाचन सम्बन्धी अधिकृतताएं

अन्य-

अनुपूरक

अन्य-

भाग-3

अथ एवं राजगार विभाग

अधिसूचना

शिमला-2, 25 नवम्बर, 2006

6. सीधे भर्ती किए जाने वाले व्यक्तियों के लिए आयु ।

18 से 45 वर्ष :

संख्या अम(बी0) 4-1/2006(स्था.)नियम/अ.अ.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से अथ एवं राजगार विभाग, हिमाचल प्रदेश में अथ अधिकारी, वर्ग-II (राजपत्रित) लिपिक वर्गीय सेवाएं के पद के लिए इस अधिसूचना से संलग्न उपावय 'क' के अनुसार भर्ती एवं प्रोन्नति नियम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश अथ एवं राजगार विभाग, अथ अधिकारी वर्ग-II (राजपत्रित) लिपिक वर्गीय सेवाएं भर्ती एवं प्रोन्नति नियम, 2006 है ।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किये जाने की तारीख से प्रवृत्त होंगे ।

2. निरसन और व्याप्तियां.—(i) उद्योग विभाग की अधिसूचना संख्या आई0 एण्ड एस0-15(स्था0), तारीख 1-3-1966 और अधिसूचना संख्या 11-3/82-अथ स्थापना, तारीख 10-8-1983 द्वारा अधिसूचित हिमाचल प्रदेश सेक्टर एम्प्लॉयमेंट एण्ड ट्रेनिंग डिपार्टमेंट, क्लाम-III (मिनिस्ट्रीयल) सर्विस रिक्रूटमेंट, प्रमाणन और कर्मीयन क्लव, 1973 का एतद्वारा उस विस्तार तक निरसन किया जाता है, जहां तक कि ये अथ अधिकारी के पद को लागू होंगे ।

(ii) ऐसे निरसन के होते हुए भी उपर्युक्त उपनियम 2 (i) के अधीन इन प्रकार निरसित नियमों के अधीन की गई कोई नियुक्ति, बात या कार्यवाई इन नियमों के अधीन विधिमाय रूप से की गई समझी जाएगी ।

आदेश द्वारा,

संजीव गुप्ता,
सचिव ।

उपावय "क"

हिमाचल प्रदेश अथ एवं राजगार विभाग, अथ अधिकारी (वर्ग-II, राजपत्रित) के पद के लिए भर्ती एवं प्रोन्नति नियम

- | | |
|-----------------------------|---|
| 1. पद का नाम | अथ अधिकारी |
| 2. पदों की संख्या | 12 (बारह) |
| 3. वर्गीकरण | वर्ग-II (राजपत्रित) |
| 4. वेतनमान | रूपये 7000-220-8100-27.5-10300-340-10980. |
| 5. चयन पद प्रत्या प्रचयन पद | चयन |

परन्तु सीधे भर्ती के लिए उपरोक्त आयु सीमा तदर्थ या संबद्ध न नियुक्त किए गए पदों से सरकार की सेवा में रख व्यक्तियों सहित व्यक्तियों को लागू नहीं होगी :

परन्तु यह धोर कि यदि तदर्थ न नियुक्त की तारीख को अधिक आयु का हो गया हो, तो वह तदर्थ या संबद्ध के आधार पर नियुक्त के कारण विहित आयु में छूट के लिये पात्र नहीं होगा :

परन्तु यह धोर कि अनुसूचित जातियों/अनुसूचित जनजातियों तथा अन्य वर्गों के व्यक्तियों के लिए ऊपरी आयु सीमा में उतनी ही छूट दी जा सकेगी जितनी कि हिमाचल प्रदेश सरकार के साधारण या विशेष भावों के अधीन अनुज्ञेय है :

परन्तु यह धोर भी कि पब्लिक सेक्टर नियमों तथा स्वायत्त निकायों के सभी कर्मचारियों को, जो ऐसे पब्लिक सेक्टर नियमों तथा स्वायत्त निकायों के प्रारम्भिक अथ के समय ऐसे पब्लिक सेक्टर नियमों/स्वायत्त निकायों में शामिल से पूर्व सरकारी कर्मचारियों थे, सीधी भर्ती में आयु की सीमा में ऐसी ही रियायत दी जायेगी जैसी कि सरकारी कर्मचारियों को अनुज्ञेय है, किन्तु इस प्रकार का रियायत पब्लिक सेक्टर नियमों/स्वायत्त निकायों के ऐसे कर्मचारियों को नहीं दी जायेगी जो पश्चात्पूर्वता ऐसे नियमों/स्वायत्त निकायों द्वारा नियुक्त किए गये थे/किये गये हैं और उन पब्लिक सेक्टर नियमों/स्वायत्त निकायों की सेवा में अन्तिम रूप से अर्जित किये गये हैं/किए गए थे ।

(1) सीधे भर्ती के लिए आयु सीमा की गणना, उस वर्ष के प्रथम दिवस से की जायेगी, जिसमें कि पद (पदों) को, पदस्थिति आवेदन आमन्त्रित करने के लिए विज्ञापित किया जाता है या नियोजनलयों को अधिसूचित किया जाता है ।

(2) छन्दशा मुद्रित धर्म-
वियों की दशा में मोक्षी भर्ती
के लिए धर्म सीमा और धर्म-
हिमाचल प्रदेश लोक सेवा आयोग
के विवेकानुसार निश्चित किया
जा सकेगा।

7. मोक्षी भर्ती किए जाने वाले
व्यक्तियों के लिए परीक्षित
न्यूनतम शैक्षणिक और धर्म
ग्रहण।

(क) धर्मधार्य ग्रहण।

(i) किसी मान्यता प्राप्त विश्व-
विद्यालय से स्नातक की
उपाधि या इसके समकक्ष।

(ii) किसी मान्यता प्राप्त विश्व-
विद्यालय से धर्म विधि
में डिप्लोमा/डिप्लोमा या
एम0 बी0 ए0।

बांछनीय ग्रहण।

हिमाचल प्रदेश की रुढ़ियों,
रीतियों और बोलियों का
ज्ञान और प्रदेश में विद्यमान
विशिष्ट दशाधर्मों में नियुक्ति
के लिए उपयुक्तता।

8. क्या मोक्षी भर्ती किए जाने
वाले व्यक्तियों के लिए विहित
धर्म और शैक्षणिक ग्रहण
प्रोन्नत व्यक्तियों की दशा
में लागू होंगी या नहीं ?

धर्म : लागू नहीं
शैक्षणिक ग्रहण : लागू नहीं

9. परिवीक्षा की अवधि, यदि
कोई हो।

दो वर्ष, जिसका एक वर्ष से
अधिक ऐसी और अवधि के
लिए विस्तार किया जा सकेगा
जैसा महान प्राधिकारी विशेष
परिस्थितियों में और निश्चित
कारणों से आदेश दे।

10. भर्ती की पद्धति—भर्ती
सोझी होंगी या प्रोन्नति
या प्रतिनियुक्ति या स्था-
नान्तरण द्वारा और विभिन्न
पद्धतियों द्वारा भरे जाने वाले
पद (पदों) की प्रतिशतता।

(क) 75 प्रतिशत प्रोन्नति द्वारा
(ख) 25 प्रतिशत सोझी भर्ती
द्वारा।

11. प्रोन्नति, प्रतिनियुक्ति या स्था-
नान्तरण की दशा में
शैक्षणिक, जिनसे प्रोन्नति/प्रति-
नियुक्ति, स्थानान्तरण किया
जायेगा।

धर्म निरोधकों में से जिनका
3 वर्ष का नियमित सेवाकाल
या वेध में की गई लगातार तदर्थ
सेवा यदि कोई हो, को सम्मि-
लित करके 8 वर्ष का संयुक्त
नियमित सेवाकाल हो, प्रोन्नति
द्वारा।

धर्म अधिकारी के पदों को
भरने के लिए निम्नलिखित पद
माधारित 4 बिन्दु रीस्टर का
अनुसरण किया जाएगा :—

1. पहला पद .. प्रोन्नति द्वारा
2. दूसरा पद .. प्रोन्नति द्वारा
3. तीसरा पद .. प्रोन्नति द्वारा
4. चौथा पद .. मोक्षी भर्ती द्वारा

टिप्पणः—रीस्टर, प्रत्येक बोधी रिक्ति के पश्चात् दोहराया जाता
रहेगा। जब तक कि सभी सम्भरण प्रवर्गों को दो गई
प्रतिशतता तक प्रतिनिधित्व प्राप्त नहीं हो जाता है
तब पश्चात् रिक्ति उसी प्रवर्ग से भरी जाएगी जिससे पद
रिक्त हुआ हो।

(1) प्रोन्नति के सभी मामलों में,
पद पर नियमित नियुक्ति से पूर्व
सम्भरण पद में की गई लगातार

नदर्थ सेवा, यदि कोई हो, प्रोन्नति
के लिये दन नियमों में यथार्थतः
सेवाकाल के लिए, इस धर्म के
अधीन रहते हुए गणना में की
जाएगी कि सम्भरण प्रवर्ग में तदर्थ
नियुक्ति/प्रोन्नति भर्ती एवम्
प्रोन्नति नियमों के उपबन्धों के
अनुसार वयन की उचित स्वीकार्य
प्रक्रिया को पाराने के पश्चात्
की गई हो।

परन्तु उन सभी मामलों
में जिनमें कोई कनिष्ठ व्यक्ति
सम्भरण पद में अपने कुल
सेवाकाल (तदर्थ आधार पर की
गई सेवा महिना जो नियमित सेवा/
नियुक्ति के अनुसरण में हो) के
आधार पर उपयुक्त निर्दिष्ट उप-
बन्धों के कारण विचार किए जाने
का पात्र हो जाता है, वहां अपने-
अपने प्रवर्ग/पद/कांडर में उससे
बहिष्कृत सभी व्यक्ति विचार किए
जाने के पात्र समझे जायेंगे और
विचार करते समय कनिष्ठ
व्यक्ति से ऊपर रहे जायेंगे।

परन्तु यह और कि उन सभी पद-
धारियों की, जिन पर प्रोन्नति के
लिए विचार किया जाना है, कम
से कम तीन वर्ष की न्यूनतम
ग्रहण सेवा या पद के भर्ती एवं
प्रोन्नति नियमों में विहित सेवा
जो भी कम हो, होंगी।

परन्तु यह और भी कि जहां
कोई व्यक्ति पूर्वगामी परन्तु को
अपेक्षाओं के कारण प्रोन्नति
किये जाने सम्भव नहीं विचार के
लिए अपात्र हो जाता है, वहां
उससे कनिष्ठ व्यक्ति भी ऐसी
प्रोन्नति के विचार के लिए अपात्र
समझा जाएगा/समझें जायेंगे।

स्पष्टीकरण.—अन्तिम परन्तु के अन्तर्गत
कनिष्ठ पदधारी प्रोन्नति के लिए
अपात्र नहीं समझा जाएगा
यदि वरिष्ठ अपात्र व्यक्ति
भूतपूर्व सैनिक है जिसे डिमो-
बिलाईज्ड धर्मद कोसिज
परसोन (रिजर्वेशन ऑफ़
वेकेंसीज इन हिमाचल स्टेट
नान-टैक्नीकल सर्विसिज) रुज, 1972 के नियम 3 के उपबन्धों
के अन्तर्गत भर्ती किया गया हो
और इनके अन्तर्गत वरीयता
लाभ दिए गए हों या
जिसे ऐक्स-सर्विसमैन (रिजर्वेशन
ऑफ़ वेकेंसीज इन दो हिमाचल
प्रदेश टैक्नीकल सर्विसिज) रुज, 1985 के नियम 3 के उपबन्धों
के अन्तर्गत भर्ती किया गया हो
तथा इनके अन्तर्गत वरीयता लाभ
दिए गए हों।

(2) इसी प्रकार स्पष्टीकरण के
सभी मामलों में ऐसे पद पर
नियमित नियुक्ति/प्रोन्नति से पूर्व
सम्भरण पद पर की गई लगातार
तदर्थ सेवा, यदि कोई हो, सेवा-
काल के लिए गणना में ली

प्रोन्नति और प्रोन्नति नियमों के उपबन्धों के अनुसार भी गई थी। परन्तु की गई उपर्युक्त विविध तदर्थ सेवा को गणना में लेने के पश्चात् जो स्पष्टीकरण होगा उसके फलस्वरूप पारस्परिक बरोपता प्रपरिवर्तित रहेगी।

Pradesh in consultation with Himachal Pradesh Public Service Commission, is pleased to make the Recruitment & Promotion Rules for the post of Labour Officer, Class-II (Gazetted) Ministerial Services in the Department of Labour & Employment, Himachal Pradesh, as per Annexure-A attached to this notification, namely:—

1. *Short title and commencement.*—(i) These Rules may be called the Himachal Pradesh Labour and Employment Department, Labour Officer, Class-II (Gazetted) Ministerial Services Recruitment and Promotion Rules, 2006.

(ii) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. *Repeal and savings.*—(i) The Himachal Pradesh Labour, Employment and Training Department, Class-III (Ministerial) Services (Recruitment, Promotion and certain other condition) Rules, 1973 notified vide Industries Department notification No. I&S-15(Estt.) 489/59 dated 1-3-1966 and Notification No. 11-3/82-Shram (Saiba) dated 10-8-1983 are hereby repealed to extent that these are applicable to the post of Labour Officer.

(ii) Notwithstanding such repeal, any appointment made or anything done or any action taken under the rules so repealed under sub-rule (1) supra shall be deemed to have been validly made, done or taken under these rules.

By order,

SANJEEV GUPTA,
Secretary.

ANNEXURE-A

RECRUITMENT AND PROMOTION RULES FOR
THE POST OF LABOUR OFFICER, CLASS II
(GAZETTED) IN THE DEPARTMENT OF
LABOUR AND EMPLOYMENT

1. Name of the post	Labour Officer
2. Number of posts	12 (Twelve)
3. Classification	Class-II (Gazetted)
4. Scale of pay	Rs. 7000-220-8100-275-10300-340-10980.
5. Whether selection post or non-selection post?	Selection
6. Age for direct recruitment.	Between 18 and 45 years:

Provided that the upper age limit for direct recruitment will not be applicable to the candidates already in service of the Government including those who have been appointed on ad hoc or on contract basis:

Provided further that if a candidate appointed on ad hoc basis had become overage on the date when he was appointed as such he shall not be eligible for any relaxation in the prescribed age limit by virtue of his such ad hoc or contract appointment:

Provided further that upper age limit is

12. यदि विभागीय प्रोन्नति समिति विद्यमान हो, तो उसकी संरचना ? विभागीय प्रोन्नति समिति की प्राथम्यता, अद्यतन, हिमाचल प्रदेश लोक सेवा आयोग या उसके द्वारा नाम निर्दिष्ट प्रायोग के सदस्य द्वारा की जाएगी

13. परिस्थितियां जिनमें भर्ती करने के लिए हिमाचल प्रदेश लोक सेवा आयोग से परामर्श लिया जाता है। जैसा कि विधि द्वारा प्रापेक्षित हो।

14. सीधा भर्ती किए जाने वाले व्यक्तियों के लिए अनिवार्य प्रपेक्षा। किसी सेवा या पद पर नियुक्ति के लिए अभ्यर्थी का भारत का नागरिक होना अनिवार्य है।

15. सीधा भर्ती द्वारा पद पर नियुक्ति के लिए यदि परीक्षा के माध्यम पर किया जाएगा यदि यथास्थिति, हिमाचल प्रदेश लोक सेवा आयोग या अन्य भर्ती प्राधिकरण ऐसा करना आवश्यक या समीचीन समझे, तो लिखित परीक्षा या व्यावहारिक परीक्षा के माध्यम पर किया जायेगा जिसका स्तर/पाठ्यक्रम, यथास्थिति, आयोग/अन्य भर्ती प्राधिकरण द्वारा निर्धारित किया जायेगा।

16. धारक्षण उक्त सेवा में नियुक्ति, हिमाचल प्रदेश सरकार द्वारा समय-समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/अन्य पिछड़े वर्गों और अन्य वर्गों के व्यक्तियों के लिए सेवाओं में धारक्षण की बाबत जारी किए गए अनुदेशों के अधीन होगी।

17. विभागीय परीक्षा सेवा में प्रत्येक सदस्य को समय-समय पर यथा संशोधित हिमाचल प्रदेश विभागीय परीक्षा नियम, 1997 में यथाविहित विभागीय परीक्षा पास करनी होगी।

18. शिथिल करने की शक्ति जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक है, सन्निहित है, वहां यह कारणों को लिखित में प्रामाणिकता करके और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, प्रादेश द्वारा, इन नियमों के किसी उपबन्ध (उपबन्धों) को किसी वर्ग या व्यक्ति (व्यक्तियों) के वर्गों या पद (पदों) की वास्तव शिथिल कर सकेगी।

[Authoritative English text of this Department Notification No. Shram (B) 4-1/2006 (Estt.) Rules/L. O. dated 25-11-2006 as required under clause (3) of Article 348 of the Constitution of India].

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 25th November, 2006

No. Shram (B) 4-1/2006 (Estt.) Rules/L. O.—In exercise of the powers conferred by proviso to Article 309 of

relaxable for Scheduled Castes/Scheduled Tribes/other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government :

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government servants before absorption in Public Sector Corporations / Autonomous Bodies at the time of initial constitution of such Corporations/Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however, be admissible to such staff of the Public Sector Corporations / Autonomous Bodies who were/are subsequently appointed by such Corporations/Autonomous Bodies and who are/were finally absorbed in the service of such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporations/Autonomous Bodies.

(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is/are advertised for inviting application or notified to the Employment Exchanges or as the case may be.

(2) Age and experience in the case of direct recruitment, relaxable at the discretion of the Himachal Pradesh Public Service Commission in case the candidate is otherwise well qualified.

7. Minimum educational and other qualifications required for direct recruits.

Essential Qualifications:
(i) Bachelor degree or its equivalent from a recognised University.

(ii) Degree/Diploma in Labour Laws or M.B.A. from a recognised University.

Desirable Qualifications:

Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh

8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotees ?

Age : Not applicable
Educational Qualifications: Not applicable.

9. Period of probation. Two years subject to such further extension for a period not exceeding one

year as may be ordered by the appointing authority in special circumstances and for reasons to be recorded in writing.

(a) 75% by promotion and
(b) 25% by direct recruitment.

10. Method of recruitment—whether by direct recruitment or by promotion, deputation, transfer and the percentage of post to be filled in by various methods.

11. In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation/transfer is to be made.

By promotion from amongst the Labour Inspectors with eight years regular service or regular combined with continuous *ad hoc* service rendered, if any, in the grade.

For filling up the posts of Labour Officer the following 4 points based roster shall be followed :

Roster point Category

1st point	By promotion
2nd point	By promotion
3rd point	By promotion
4th point	By direct recruitment.

Note.—The roster will be repeated after every 4th vacancy till the representation to all categories is achieved by the given percentage. Thereafter, the vacancy is to be filled up from amongst the category which vacates the post.

(1) In all cases of promotion, the *ad hoc* service rendered in the feeder post, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition that the *ad hoc* appointment/promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provision of R&P Rules:

provided that in all cases where a junior person becomes eligible for consideration by virtue of his/her total length of service (including the service rendered on *ad hoc* basis, followed by regular service/appointment) in the feeder post in view of the provisions referred to above, all persons senior to him/her in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration :

...shall be considered for promotion shall possess the minimum qualifying service of atleast 3 years or that prescribed in the R & P Rules for the post, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person junior to him/her shall also be deemed to be ineligible for consideration for such promotion.

Explanation.—The last proviso shall not render the junior incumbent ineligible for consideration for promotion if the senior ineligible person happened to be Ex-servicemen recruited under the provisions of Rule 3 of the Demobilised Armed Forces Personnel (Reservations of Vacancies in Himachal Pradesh State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provision of Rule 3 of the Ex-servicemen (Reservation of vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

(2) Similarly, in all cases of confirmation, *ad hoc* service rendered in the feeder post, if any, prior to the regular appointment/promotion against such post shall be taken into account towards the length of service, if the *ad hoc* appointment/promotion had been made after proper selection and in accordance with the provisions of the R & P Rules:

Provided that *inter-se* seniority as a result of confirmation after taking into account, *ad hoc* service rendered as referred to above shall remain unchanged.

...Committee exists, what is its composition?

DPSC provided over by the Chairman, H. P. Public Service Commission or a member thereof to be nominated by him.

13. Circumstances under which the HPPSC is to be consulted in making recruitments.

As required under the law.

14. Essential requirement for a direct recruitment.

A candidate for appointment to any service or post must be a citizen of India.

15. Selection for appointment to the post by direct recruitment.

Selection for appointment to the post in the case of direct recruitment shall be made on the basis of *viva-voce* test, if the Himachal Pradesh Public Service Commission or other recruiting authority, as the case may be, so consider necessary or expedient: by a written test or practical test, the standard or syllabus of which will be determined by the Commission/other recruiting authority, as the case may be.

16. Reservation

The appointment to the service shall be subject to orders regarding reservation in the service for scheduled castes/scheduled tribes/other backward classes/other categories of persons issued by the Himachal Pradesh Government from time to time.

17. Departmental Examination.

Every member of the service shall pass a Departmental Examination as prescribed in the Departmental Examination Rules, 1997, as amended from time to time.

18. Power to relax

Where the State Government is of the opinion that it is necessary or expedient to do so, it may, for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission relax any of the provision(s) of these Rules with respect to any class or category of person(s) or post(s).